

PROPOSED DOMESTIC ABUSE (PREVENTION) (SCOTLAND) BILL

PAM GOSAL MSP

SUMMARY OF CONSULTATION RESPONSES

This document summarises and analyses the responses to a consultation exercise carried out on the above proposal.

The background to the proposal is set out in section 1, while section 2 gives an overview of the results. A detailed analysis of the responses to the consultation questions is given in section 3. These three sections have been prepared by the Scottish Parliament's Non-Government Bills Unit (NGBU). Section 4 has been prepared by Pam Gosal MSP and includes her commentary on the results of the consultation.

Where respondents have requested that certain information be treated as "not for publication", or that the response remain anonymous, these requests have been respected in this summary.

In some places, the summary includes quantitative data about responses, including numbers and proportions of respondents who have indicated support for, or opposition to, the proposal (or particular aspects of it). In interpreting this data, it should be borne in mind that respondents are self-selecting and it should not be assumed that their individual or collective views are representative of wider stakeholder or public opinion. The principal aim of the document is to identify the main points made by respondents, giving weight in particular to those supported by arguments and evidence and those from respondents with relevant experience and expertise. A consultation is not an opinion poll, and the best arguments may not be those that obtain majority support.

Copies of the individual responses are available on the following website [Pam Gosal MSP | for West Scotland](#) Responses have been numbered for ease of reference, and the relevant number is included in brackets after the name of the respondent.

A list of respondents is set out in the Annexe.

Section 1: Introduction and Background

Pam Gosal's draft proposal, lodged on 23 August 2022, is 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 proposal was accompanied by a consultation document, prepared with the assistance of NGBU. This document was published on the Parliament's website, from where it remains accessible:

[Proposals for Bills – Scottish Parliament | Scottish Parliament Website](#)

The consultation period ran from 24 August 2022 to 20 November 2022.

During the consultation period, Pam Gosal met with organisations, including:

- Scottish Women's Aid
- Shakti Women's Aid
- Networking Key Services
- Abused Men in Scotland (AMIS)
- AMINA
- Victim Support Scotland
- No Fear CIC
- Risk Management Authority
- Assist
- Financial Domestic Abuse

A number of meetings were also held with organisations prior to the formal consultation period beginning. Links to the consultation were sent to a number of other organisations during the consultation period.

The consultation was also promoted across Pam Gosal's social media channels, through press releases, and newspaper columns

The consultation exercise was run by Pam Gosal's parliamentary office.

The consultation process is part of the procedure that MSPs must follow in order to obtain the right to introduce a Member's Bill. Further information about the procedure can be found in the Parliament's standing orders (see Rule 9.14) and in the *Guidance on Public Bills*, both of which are available on the Parliament's website:

- Standing orders (Chapter 9): [Standing Orders | Scottish Parliament Website](#)

- Guidance (Part 3): [Guidance on Public Bills | Scottish Parliament Website](#)

Section 2: Overview of responses

In total, 247 responses were received.

The responses can be categorised as follows:

- Three (1%) from representative organisations [Scottish Association of Social Work, Social Work Scotland and the Law Society of Scotland]
- Five (2%) from public sector organisations [Shetland Domestic Abuse Partnership, British Transport Police, Risk Management Authority, Scottish Courts and Tribunal Service and Justice Services for Adults, the City of Edinburgh Council]
- One (<1%) from a commercial organisation
- Twenty-three (9%) from third sector organisations (charitable, campaigning, social enterprise, voluntary, non-profit)
- One (<1%) from another type of organisation [Pakistan Social Club Scotland]
- Seven (3%) from individual politicians [MSPs, MPs, MEPs, peers, councillors]
- Twenty-five (10%) from a professional with experience in a relevant subject
- Three (1%) from an academic with expertise in a relevant subject
- One hundred and seventy-nine (72%) from private individuals (members of the public)

Of the responses:

- One hundred (40%) were anonymous submissions
- Thirty (12%) were “not for publication”

A large majority of respondents (86%) were supportive of the proposal. Of the individual respondents:

- 92% were fully supportive;
- 3% were partially supportive;
- <1% were neutral towards the proposal;
- <1% were partially opposed;
- 3% were fully opposed.

There was less support overall from organisations:

- 45% were fully supportive;
- 21% were partially supportive;
- 3% were neutral;
- 18% were partially opposed;
- 9% were fully opposed;
- 3% did not express a view.

It is notable that just over half of respondents (52%) requested that their response was kept anonymous or was “not for publication.” This is, at least in part, attributable to the subject matter covered in these responses, including individual experiences of domestic abuse.

There were high levels of overall support expressed for the four main provisions set out in the consultation document. 94% of respondents were supportive of mandatory education on domestic abuse in schools, while 89% supported the establishment of a domestic abuse register, 85% supported mandatory rehabilitation measures and 83% supported the proposed data collection and reporting measures.

There was a divergence in the level of stated support between individual respondents and organisations. The percentage of those ‘fully supportive’ of the proposal for a Bill from individual respondents was 94%. The percentage of those “fully supportive” from organisations was 45%. There was also a clear divergence on individual policy strands between the level of support expressed by individuals and the lower level expressed by organisations. This was particularly the case in relation to support for the register and the rehabilitation proposals. There was wide support from individuals and organisations in relation to the need for good data and education in schools. The levels of support expressed by individuals compared to the levels expressed by organisations are provided in the analysis of answers to individual questions later in this document.

Although strong support was expressed overall for the intentions behind the proposal, such as reducing the incidences of domestic abuse and improving rehabilitation, concerns were raised in many of the responses (particularly from organisations) in relation to the proposed policy approaches set out in the proposed bill. In addition, it was suggested by numerous organisations that there was not enough supporting evidence on the likely effectiveness of the proposed bill’s provisions. It was also suggested by many organisations that the proposed bill would create significant cost and resource implications and that some of the proposed provisions may not be suitable in certain circumstances. For example, concerns were raised about making rehabilitation mandatory when it may not be appropriate for some offenders to undertake such processes.

Disclaimer

Note that the inclusion of a claim or argument made by a respondent in this summary should not be interpreted as verification of the claim or as endorsement of the argument by the Non-Government Bills Unit.

Section 3: Responses to the proposed bill

This section sets out an overview of responses to each question in the consultation document.

General aim of proposed bill

Section 1 of the consultation document outlined the aim of the proposed bill and what it would involve.

The consultation document set out four areas where the proposed Bill will seek to prevent domestic abuse by updating the law. These are:

- by introducing a domestic abuse register
- by introducing mandatory rehabilitation for domestic abuse offenders
- by introducing an obligation on the Scottish Government to produce an annual report in which it sets out the actions it is taking to improve access to domestic abuse services for individuals from underrepresented communities.
- by making education on domestic abuse mandatory in schools

The [consultation document](#) provides more detail on those measures.

Respondents were asked the following questions:

Question 1: Which of the following best expresses your view of the proposed bill (Fully supportive / Partially supportive / etc.)? Please explain the reasons for your response.

246 respondents (99.5% of the total) answered this question. Of those respondents:

- Two hundred and twelve (86%) were fully supportive;
- Fourteen (6%) were partially supportive;
- Three (1%) were neutral;
- Eight (3%) were partially opposed;
- Nine (4%) were fully opposed

26 of these 246 responses were received from organisations. Of those respondents:

- 45% were fully supportive
- 21% were partially supportive
- 3% were neutral
- 18% were partially opposed
- 9% were fully opposed
- 3% did not express a view

RESPONSES FROM INDIVIDUALS

A significant majority of individual respondents were supportive of the need to address domestic abuse. Many narrated personal experiences of domestic

abuse and interactions with the criminal justice system either by the individual respondent or someone known to them. Some of those with personal experience of domestic abuse supported the proposal for a bill as a general means of focussing attention on the issue. It is clear from the responses from many of the individuals sharing experiences that they consider that domestic abuse is a significant issue and more should be being done to address it including robust action. One anonymous respondent stated:

We need more support and help for domestic abuse victims and survivors. Also I genuinely feel this bill will help increase awareness and prevent people becoming victims to it. (SS ID: 204226753)

Another anonymous individual respondent noted the lack of available support for victims:

As a person who has survived this I felt as a victim there was no support for me [and that] we were forgotten about. (SS ID: 201563061)

An individual respondent, Robin Fairley highlighted the long-term impact of domestic abuse and the need for further action:

Domestic violence is a very serious, intimate, personal and traumatic crime that can leave life-long effects and mental health issues for victims. Much more needs to be done to ensure that domestic abusers are proportionally punished and aren't able to walk away from it - like their victims can't. (SS ID: 201239879)

A theme amongst individual responses was the need for a change in culture and society to prevent domestic abuse arising. It was also suggested that this was increasingly important given that domestic abuse is a growing problem, with some respondents highlighting that cases of abuse had increased during the COVID-19 pandemic. (e.g. Anonymous, SS ID: 198733818)

Some of those who had experienced domestic abuse stated that had a register been in place then they may have avoided entering into an abusive relationship. Others thought that a register would stop others from suffering as they did.

A register would have protected the women who came after me (Jennifer Dawson, SS ID: 201107631)

It was considered that by being able to check the register, individuals would be able to make informed decisions when entering into relationships, with respondents noting that domestic abusers may be serial offenders. One anonymous respondent stated:

As someone who had suffered domestic abuse and has known the person done the same in the next relationship. I feel this would help stop other women going through the same pain. (SS ID: 203106649)

A concern of some individual respondents related to an extension of police powers. One individual respondent thought that there would need to be strong safeguards to ensure that the register was used appropriately. Another respondent worried that the misuse of information held on a register might result in vigilantism and targeting of those included on the register with negative effects.

A number of respondents suggested that adequate measures are already in place to tackle domestic abuse and that the proposed bill could create problems. An anonymous respondent stated:

Adequate legislation already exists to deal with these offences. Further monitoring and the introduction of a register would be unwieldy and difficult to manage. It would likely also punish those convicted beyond what is reasonable. It would also be impossible to introduce retrospectively, therefore creating a 2-tier situation where those convicted now face different consequences. For these reasons I fully oppose the proposed bill. (SS ID: 198991278)

Some individual responses highlighted the need for a proportional approach in the treatment of those convicted of domestic abuse offences and expressing the view that those with multiple convictions should be treated differently from those convicted of a single offence.

Reference was made to the proposal to introduce mandatory education on domestic abuse in schools. It was considered by some respondents that education in this area would have a positive effect, with one anonymous member of the public stating that:

education is key to help young adults understand the consequences of domestic abuse (SS ID:200478109)

There was wide support amongst individuals for the proposal in relation to data collection (see further detail under question 5).

Some respondents were of the view that the proposed measures were disproportionate, including the proposal on rehabilitation, with one anonymous respondent stating that the proposed bill is a

massive authoritarian overkill that ensures no one can ever move on and assumes that no rehabilitation is possible (Anonymous, SS ID:198419407)

ORGANISATIONAL RESPONSES

There was a divergence in the level of stated support between individual respondents and organisations. The percentage of those “fully supportive” of the proposal for a bill from individual respondents was 92%. The percentage of those “fully supportive” from organisations was 45%.

In answering this question, some organisational respondents wrote in detail about the four main provisions as set out in the consultation document. Views on these measures are summarised below and, in more detail, later in the summary under the relevant question. On that basis these themes should be read in conjunction with the analysis of the relevant question later in the document, and there may be an element of overlap between these sections.

Legislation in conjunction with existing measures

It was considered that the proposed bill could work well in conjunction with existing measures, with the British Transport Police, for example, taking the view that it would:

Complement existing legislation in place to manage those convicted of sexual offences where they present a high degree of harm (SS ID: 204345317)

AMIS (Abused Men in Scotland) stated that the proposed bill:

offers to formalise measures for gaps in the current framework of protection for those who suffer domestic and intimate partner abuse” (SS ID: 204397972)

Support for the intention to reduce domestic abuse but a need for further evidence on the policy approach in the proposed Bill

Responses from organisations working in the area reflected on the detail of the specific proposals and how they might align with existing legislation and practice. There was support for the intention and ambition behind the proposed bill however some organisations questioned whether the proposals were informed by evidence that the measures would be effective. Scottish Association of Social Work (SASW) summarised this view in their response to Q1:

SASW is generally in support of any move to seek to reduce the incidence of domestic abuse and improve the experiences of those who are exposed to it. The ambition in this proposed Bill, to reduce and prevent domestic abuse, is laudable, and we welcome the opportunity to provide comment at this stage. However, we have some concerns about the efficacy of the measures outlined in the proposed Bill. These concerns include a lack of evidence to support the introduction of some of the proposed measures, along with a significant increase in resource and pressure on the workforce. Such increases, particularly in the current financial climate, must be based on clear evidence that they will lead to significant improvement. We are not confident that there is strong enough evidence for each proposal to create such assurance. In addition, we have concern that some of the measures might risk endangering existing arrangements which provide some measure of safety and creating false reassurance for victim-survivors of domestic abuse (SS ID: 204238304)

The Law Society of Scotland, Social Work Scotland, Scottish Women's Aid, Scottish Association of Social Work, Scottish Women's' Rights Centre shared the view that the ambition of the bill was to be commended but a number of them, due to a lack of evidence that the proposals would work, called for further investigation and consultation prior to proceeding further. Edinburgh Women's Aid, which was fully opposed to the proposal, set out its concerns in detail, stating:

The bill overall is not supported. 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. There are significant elements of the proposed bill that would lead to service generated risk. 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 disclosure. (SS ID:204310406)

The Scottish Association of Social Work, which was partially opposed to the proposal, considered that there was a lack of evidence to support the proposal as described in the consultation document, further noting:

We have concern that some of the measures might risk endangering existing arrangements which provide some measure of safety and creating false reassurance for victim-survivors of domestic abuse (SS ID: 204238304)

Social Work Scotland, which was neutral towards the proposal, was supportive of "the concept of reaching more men, women and families affected by domestic abuse." However, it considered there to be some issues with the proposal, noting:

the method outlined in order to achieve greater reach and to bridge some of the gaps in provision seems flawed and further, wider consultation is highly recommended in order to gain greater insight and understanding of this client group. (non-Smart Survey response)

Caithness and Sutherland Women's Aid was concerned that the register may have unintended consequences:

If this Bill was successful the women that we support who find themselves with unjustified convictions of domestic abuse due to

counter allegations and poor legal support would also have to be placed on a register. Making their journey to an Abuse free life even more difficult than it already is. This would not only have a seriously negative impact on their mental health, growth but will also limit them in career choices keeping them in low paid jobs. (SS ID: 202813124)

Domestic Abuse Register

Positive impacts of the register were explored by a number of organisations. For example, No Fear Community Interest Company, which was fully supportive of the bill, set out how organisations may be able to use the register:

We are fully supportive of this bill due to the process which will come from registering perpetrators. That it will highlight their need for a program of changed beliefs about intimate partners and children and how their behaviour affects victims. This will be an opportunity for more organisations to be able to work together to facilitate change and hopefully embrace processes that work effectively in rehabilitating individuals. To be able to look at the person from the perspective of trauma and work towards a non-judgemental process of change. (SS ID: 203445460)

Networking Key Services Ltd, a health and welfare organisation focusing its services on South Asian women and their families, considered the register could have a positive impact:

The reason for fully supportive of the Bill is that we believe that a register will make it mandatory and place legal obligation on many statutory services such as police, local authority and Scottish Government to monitor and manage a serious offence such as domestic abuse and evaluate accessibility to services for underrepresented communities. There will be more transparency and accountability for all stakeholders and the register will definitely deter perpetrators to re-offend. (SS ID: 202802456)

However, Social Work Scotland, Scottish Women's Aid, Scottish Association of Social Workers and Scottish Women's Rights Centre were uncertain about the impact the proposed register would have. They questioned whether the existence of a register would necessarily make any difference, highlighting the need to change attitudes and behaviour. Scottish Women's Aid stated its view:

as far as SWA knows, there is no evidence base indicating that a register will have a deterrent effect. We worry that such a register might offer false reassurance to policy makers and survivors that being placed on a register would offer additional protection and safety, when we have no evidence to support that assumption. (SS ID: 203933153)

This view was shared by Scottish Women's Rights Centre:

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 (SS ID: 204411382)

Some organisations questioned whether a register which applied equally to anyone convicted of a domestic abuse offence was the best solution. They advocated a nuanced approach which involved targeting resources towards the most serious cases. For example, the Law Society of Scotland stated:

In our view, were a register to be created, it should initially be implemented for the most serious offences.... As such, "a one size fits all approach" is restrictive and could result in unforeseen circumstances. It is, in our view more important that resources are targeted towards repeat offenders and those who commit the most serious offences (non-Smart Survey response)

Committed to End Abuse stated that a blanket approach could be problematic and queried how a young first-time offender with an offence at the less severe end of the scale would be treated for the purposes of the register compared to a serious, high risk multiple offender.

Another theme centred around the risk that the current proposal might lead to victims of domestic abuse finding themselves on the register. Victims Support Scotland set its view on that risk:

We would also want to ensure that females who have been convicted of a domestic abuse offence or domestic abuse aggravation are subject to scrutiny before being considered for such a register. It is common for females convicted of such offences to have been subjected to years of domestic abuse themselves and they have been convicted of an offence on the occasion that they have retaliated, or indeed defend themselves, Before placing someone on a register the court should take full cognisance of the facts of the case and background of the offender. (SS ID: 204488012)

Organisations that work with individuals who have experienced domestic abuse, including Edinburgh Women's Aid, Justice Services for Adults, City of Edinburgh Council, Caithness and Sutherland Women's Aid, shared Victim Support Scotland's concern that those who have experienced domestic abuse might find themselves on the register.

A strong theme amongst organisational respondents was that the strengthening of existing arrangements may be preferable to the new scheme proposed under the bill. This theme is set out in more detail under the summary of question 2 responses.

Mandatory rehabilitation

No Fear Community Interest Company, which offers educational and long-term recovery courses and support to men and women affected by abuse, highlighted some potential positives of implementing mandatory rehabilitation measures for those convicted of domestic abuse, stating:

This will be an opportunity for more organisations to be able to work together to facilitate change and hopefully embrace processes that work effectively in rehabilitating individuals. To be able to look at the person from the perspective of trauma and work towards a non judgemental process of change. (SS ID: 203445460)

Shetland Women's Aid highlighted that while rehabilitation measures are already in place, there is scope for more to be done:

While we do have perpetrator programme, (respect) running in criminal justice social work, these are court mandated and restricted to capacity of the team and time on court restrictions. There should be more scope for identifying controlling behaviours early and intervention programmes before it reaches the point of criminal justice. (SS ID: 204247856)

Victims Support Scotland, which was partially supportive of the proposal, expressed doubts about rehabilitation being mandatory, taking the view that in some circumstances this would not be appropriate:

We are not convinced about programmes being mandatory as evidence suggest that domestic abuse programmes work best with perpetrators who are willing to participate constructively with them. We believe that resources should be directed to those who are deemed to be the most suitable for such programmes. We believe that attempts should, where possible, be made to engage with a perpetrator of crime regarding their offending behaviour to reduce any risk they pose to victims and the wider public. (SS ID:204488012)

There was widespread support for increasing the availability of rehabilitation programmes across Scotland however some organisations questioned the detail of the proposal as the best means of achieving this. For example, a number of organisations highlighted the merits of rolling out the Caledonian System across Scotland as an alternative to primary legislation (see analysis of question 2 below).

A particular issue was whether there was any benefit in making rehabilitation mandatory. Edinburgh Women's Aid for example stated that for rehabilitation to be successful participants had to be willing and open to changing their behaviours. Scottish Association of Social Workers, Brodie's Trust and the Law Society of Scotland held a similar view.

Some respondents queried whether anger management, which was one of the proposed forms of rehabilitation, was appropriate in domestic abuse cases. Reference was made to the fact that often domestic abuse does not result from anger or loss of temper but rather coercive control, which comprises a wide range of behaviour targeted over an extended period. For example, The Law Society of Scotland stated:

Studies have shown that anger management could escalate offenders' behaviour. Studies have also shown that intimate partner violence is not about anger and an inability to control their emotions but about exhibiting power and control over a partner. We consider that proposals should avoid specifying the nature of treatment or interventions and should alternatively identify the most appropriate form of effective, evidence-based disposal based on the individual case and offender. (non-Smart Survey response)

The use of restorative justice as part of the rehabilitation process was not fully supported by some organisations working in the area. Victim Support Scotland expressed concerns regarding the use of restorative justice in cases involving domestic abuse. Committed to End Abuse highlighted the need for any rehabilitation programme to be trauma informed and sensitive to the position of the person who had experienced the abuse.

Data collection

There was wide support for the data proposal amongst organisational respondents.

Amina (Muslim Women's Resource Centre) was supportive. They highlighted that women from minority ethnic groups are marginalised and welcomed any steps that would promote equality. It stated:

We especially support the mandatory reporting and capturing of data with BME women. We currently have a lack of disaggregated data with ethnicity and gender-based violence within Scotland. We would welcome Police Scotland reporting honour-based abuse and forced marriage statistics as well as how many BME women have been victims of domestic abuse within Scotland.(SS ID: 203987831)

Victim Support Scotland highlighted that improved data collection could lead to better support for domestic abuse victims:

Knowing information about the demographic profile of victims of domestic abuse and where they are in terms of geographical location would allow support services to better provide support where is required. (SS ID:204488012)

Scottish Women's Aid was also fully supportive of the proposals regarding data collection. In their view urgent action was required to improve reporting on those with protected characteristics under the Equality Act 2010. Scottish Association of Social Workers, who partially supported the proposal, referred to the disproportionate impact of domestic abuse on individuals from diverse

backgrounds, and supported changes which lead to a better understanding of how minority groups were impacted.

Mandatory education

There was support from organisational respondents regarding the aim of increasing education within schools as a preventative tool and part of a culture shift required to tackle the issue of domestic violence. Some organisations such as Edinburgh Women's Aid stressed the need to consult with education providers and experts in the field as they were best placed to advise on the implementation of any new scheme and how that might sit alongside existing provision and the broader school curriculum.

Scottish Association of Social Workers emphasised that, to achieve its aim, mandatory education would require significant resources to ensure a consistent national approach and proper training for education providers.

The need for any educational provision to be trauma informed and alert to the issues arising for young people who may have direct experience of domestic abuse was highlighted by Victim Support Scotland and Scottish Women's Rights Centre.

Cost

An overarching theme in organisational responses that cut across each of the specific proposals was concern about how implementation would be funded. Some responses highlighted a perceived risk that funds might be diverted from existing schemes to pay for the reforms set out in the bill.

In respect of the proposal for a domestic abuse register for example, Victim Support Scotland stated:

we have concerns that Police Scotland would move resources from other duties to monitor those individuals on the register. This would potentially have a detrimental effect on victims of other crime types, and we would want assurances that victims of other crime types would not be disadvantaged in any way (SS ID: 204488012)

Scottish Women's' Rights Centre stated that there would be high costs associated with setting up a register and expressed the view that funds would be better spent on other resources, such as legal aid provision for those experiencing domestic abuse.

The Law Society of Scotland also focussed on the cost of the proposals. In its response to question 1 it stated:

Whilst we support the proposed Bill's aim to reduce the prevalence of domestic abuse in Scotland, we do express concern about the efficacy of these proposals and whether these would be worth the substantial investment particularly in light of the current financial climate and current budgetary restraints for the Scottish Government and third sector resources. (non-Smart Survey response)

Justice services for adults City of Edinburgh Council, Edinburgh Women's Aid, and Social Work Scotland were of the view that a more targeted approach in applying resources to certain "high risk" individuals would be more cost effective than a "blanket" approach.

Justice Services for Adults, City of Edinburgh Council was fully opposed to the proposal in its current form. However, it welcomed the proposal's aspiration "to support 'harder to reach' individuals from a range of cultural backgrounds." It also stated that it was partially supportive of providing domestic abuse education in schools. It noted that both elements would require further consultation and "significant resource to fund additional support systems."(non-Smart Survey response)

The Scottish Courts and Tribunal Service (SCTS) did not respond directly to the consultation questions, but noted that the proposal for a register and mandatory rehabilitation measures will impact on the SCTS in terms of:

- court time and relative court programming;
- associated staff training, and
- costs involved in relevant IT changes. Further it is unclear at this stage whether the reporting requirement duties placed upon the Scottish Government will also require the SCTS to make changes to our case management systems. If this is necessary then there will be costs associated with this." (non-Smart Survey response)

Other points made

Social Work Scotland, which was neutral towards the proposal, was supportive of "the concept of reaching more men, women and families affected by domestic abuse." However, it considered there to be some issues with the proposal, noting:

the method outlined in order to achieve greater reach and to bridge some of the gaps in provision seems flawed and further, wider consultation is highly recommended in order to gain greater insight and understanding of this client group. (non-Smart Survey response)

Other points made in response to question one included that:

- The proposal should not overlook that there can be female perpetrators of domestic abuse. (Anonymous, SS ID: 201103495)
- The proposal does not make provision for financial domestic abuse, which one in six women have experienced. (Financial Domestic Abuse Scotland, SS ID: 202628084)
- There should be recognition of the link between domestic abuse and pet abuse in the proposed Bill (Dogs Trust, SS ID: 203899500)

Question 2: 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.

Two hundred and thirteen respondents (86% of the total) answered this question. There was not a tick-box option for this question. Many respondents simply stated that they considered that legislation was or was not required in order for the proposed bill's aims to be achieved, or that they were supportive of or opposed to the proposed legislation.

Further to this, some respondents were unsure whether legislation was required, with a number stating that they needed more information before reaching a decision. There were also some respondents who expressed support for some, but not all, elements of the proposal being legislated for.

INDIVIDUAL RESPONSES

There was strong support amongst the majority of individual respondents for policies that will address the issue of domestic abuse. Some of the individual responses focussed on the need for a change in the culture which leads to domestic abuse and support for any measures which might achieve that as opposed to focussing on particular policy proposals in the proposed bill. For example, an individual respondent who wished to remain anonymous stated:

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. (SS ID: 201103495)

Some individual respondents believed that the proposed measures would act as a deterrent, and thus ultimately reduce instances of domestic abuse. An individual respondent, Gillian Kennedy, stated:

Legislation must happen. If bullies know it is out there it may prevent them from harming people because they know they could end up in trouble for it. (SS ID: 203675320)

A view amongst some with personal experience of domestic abuse was that legislation would result in greater consistency across the country by making provision of services such as rehabilitation mandatory.

Other respondents considered that the proposed legislation could help to make clear that domestic abuse is unacceptable, with one anonymous respondent stating:

I believe legislation is required to bring to people's awareness that there are consequences for their actions. Although there could be some help for individuals to understand why they are behaving towards others in an abusive way. (SS ID: 203355416)

Some suggestions were made on what else should be covered in new legislation. For example, an individual anonymous respondent stated:

I think another part of the Bill's focus should be on building better support for the victims of domestic abuse in terms of shelter, helplines and financial aid. (SS ID: 201785358)

Some individuals thought that options other than legislation should also be considered. Fiona Ballantyne stated:

I think in addition to legislation there are other measures that could be employed. Funds to help women leave abusive situations. More money to Women's Aid and other charities. But also this all focuses on how to help women after the fact. What can be done to stop men from developing the attitude or mindset where they feel justified to abuse women? We need to get to the root of the problem which is: why do men abuse and how do we raise boys better? (SS ID:203761176)

Existing measures do not go far enough

Many individuals noted the measures that are currently in place to tackle domestic abuse but suggested that more action was required. For example, a member of the public, Linda Semple, stated:

Attempts to reduce Violence Against Women and Girls to date have had limited success. We need a concerted plan of prevention alongside rehabilitative interventions post-sentencing and a register of persistent offenders. (SS ID:198422687)

There was a suggestion that current legislation and guidance relating to domestic abuse is not being fully or effectively utilised. For example, Brodie's Trust suggested that

guidance is ignored in general by the police and the judiciary. (SS ID:198472014)

Further to this, an anonymous respondent stated that

existing laws could be better enforced, but the police and courts are stretched. (SS ID: 204015864)

It was considered by some individuals that legislation was required in order to ensure clarity and consistency in the application of the proposed bill's provisions, with one anonymous respondent stating:

I think legislation is required otherwise protection and help can be dependent on people's post code. Some areas will have excellent support and information sharing others will not. (SS ID: 201438342)

Some individuals considered that legislation was not required. Grazia Robertson, a professional with experience in a relevant subject, suggested that the proposed bill was unnecessary:

It offers nothing new, is simply repeating what is already in place and serves no real purpose- other than education element. That said, the education element would only have value if the educator was appropriately qualified to give this education, for example, a qualified solicitor. (SS ID: 200323241)

ORGANISATIONAL RESPONSES

As with the response to question 1, on overall support for the proposal for a bill, there was a clear divergence in the level of support between individual and organisational responses. Analysis of the organisational responses showed that some organisations, including those who stated that they supported the intentions behind the proposed bill lacked confidence that the specific proposals were the best way to effect change.

Scottish Women's Aid summarised a position stated by a number of organisations:

We wholeheartedly support the intention of the bill to reduce reoffending, improve data collection, and prevent secondary victimisation. We are not confident that the actions proposed are the best ways to deliver the intentions. (SS ID: 203933153)

Several over-arching themes emerged in the organisational responses. They are examined here.

Legislation already exists and further examination of its impact is required before introducing new schemes

A number of organisations working in the area referred to existing provision of services and legislation across the four strands of the proposed bill and stated that rather than bring in a number of new schemes it would be preferable to build on existing provision. There was generally an acknowledgment that improvements were to be welcomed but also some concerns about the extent of the proposed reforms.

The Law Society of Scotland in its response summarised this position:

Rather than widening and potentially diluting the focus of current legislation, we suggest that any potential legislation in this sphere be underpinned by evidence. (non-Smart Survey response)

Social Work Scotland, the professional leadership body for social work in Scotland shared that view:

Legislation in itself does not change culture of behaviour. Taking advantage of existing legislation and mechanisms to maximise safety and minimise risk needs to be further explored, taking into account of current research. (non-Smart Survey response)

Justice Services for Adults, City of Edinburgh Council stated;

A preferred approach would be for the focus to be directed to supporting existing legislation/systems in place for managing domestic abuse and risk. (non-Smart Survey response)

Scottish Association of Social Workers also highlighted existing legislation stating:

The introduction of legislation does not necessarily induce practice change. Legislation already exists which should promote good practice, and a full assessment of all of this should be undertaken before a decision is taken on the introduction of further measures, including whether it is being used to its full capacity, and whether there is scope for it to be strengthened. (SS ID: 204238304)

Existing alternatives to a new domestic abuse register

A number of organisations detailed the arrangements that were already in place to manage risk from domestic abuse offenders across Scotland. Their view was that whilst there was scope for improvement, current systems operate on a collaborative and multi-agency level and allow for a proportionate and nuanced assessment of risk, in light of each individual set of circumstances. This was stated to be preferable to a mandatory disclosure scheme and ensured a “complete picture” of the risk to be understood. Edinburgh Women’s Aid was one of the organisations that suggested that additional resources for the current arrangements may be more effective than the proposed changes. It stated:

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 or by any agencies who have concerns... It would be perhaps more prudent, financially viable and effective to ensure that these structures are better resourced than introducing new legislation (SS ID: 204310406)

Scottish Association of Social Workers (SASW) agreed and highlighted that it would be more efficient and cost-effective to focus on existing provision. They stated:

Before SASW could support a move to create a register for those convicted of domestic abuse, we would welcome thorough consideration of whether there might be merit in exploring how existing systems, such as MAPPA,¹ MARAC and DSDAS might be strengthened and aligned to create better safety for victim-survivors. (SS ID: 204238304)

Scottish Women's Aid and the Law Society of Scotland focussed on the existing rules and guidelines on sentencing as an alternative to the proposals for a new register. Scottish Women's Aid stated:

The overall desired outcome of the Bill--and one we support--is to reduce reoffending by domestic abuse perpetrators. In our view, the power to deliver this outcome is for the most part in the hands of the police, courts, and judiciary. A wholesale review of use of community disposals and sentencing policy and practice is needed--then we could answer the question about whether new legislation is necessary. (SS ID: 203933153)

The Law Society of Scotland advised that the Scottish Sentencing Council was intending to issue new guidelines on sentencing in domestic violence cases. It set out the process at present and emphasised that sufficient resources would be required to ensure a consistent approach across Scotland.

Rehabilitation/ Expansion of the Caledonian System

A number of organisations with experience of rehabilitation were fully opposed to this strand of the proposed Bill including Scottish Women's Aid, Scottish Association of Social Work, Edinburgh Women's Aid, Shetland Domestic Abuse Partnership, Justice Services for Adults and the Law Society of Scotland. Victim Support Scotland and the Scottish Women's Rights Centre were partially opposed.

As detailed at answer 4 below, as well as questioning the efficacy of making rehabilitation mandatory and the use of anger management as a rehabilitative tool, a number of the respondents who were opposed to the proposal stated that better outcomes could be achieved by extending the existing Caledonian System.

The Caledonian System is a behaviour programme for men convicted of domestic abuse offences, as well as a support service for their partners and children. The Caledonian System is currently available in 19 local authority

¹ Footnote by NGBU for information Multi-Agency Public Protection Arrangements (MAPPA) are a set of statutory partnership working arrangements introduced in 2007 under [Section 10 of the Management of Offenders etc. \(Scotland\) Act 2005](#) (the 2005 Act). [Multi-Agency Public Protection Arrangements \(MAPPA\) in Scotland: national overview report 2021/2022 - gov.scot \(www.gov.scot\)](#)

areas, and it is the Scottish Government's stated intention that it will be implemented across all local authorities by the end of this Parliamentary term.

Scottish Women's Aid stated:

SWA cannot support mandatory rehabilitation. Scotland's Caledonian programme of work with DA offenders offers the best option for rehabilitation and should be rolled out across all local authorities.(SS ID: 203933153)

Victims Support Scotland held a similar view:

With regards to the other mandatory rehabilitation measures identified in the consultation document, we believe that the Caledonian System should be more widely available than it currently is.(SS ID: 204488012)

The Scottish Association of Social Workers stated:

We are not aware of any evidence to suggest that mandatory rehabilitation would be effective. The exception to this is the Caledonian System, and our suggestion would be that consideration should be given to rolling this out across all of Scotland, as a means of addressing perpetrator behaviour when there has been a conviction.(SS ID: 204238304)

Proposal on Mandatory Education

With regard to the proposal to introduce mandatory education on the topic of domestic abuse in schools there was clear support for increasing the extent of education provision. A number of organisations emphasised the need to work collaboratively with educational professionals and to ensure a trauma informed approach.

Edinburgh Women's Aid and Justice Services for Adults, City of Edinburgh Council made reference to the existing scheme, Equally Safe at School and suggested that this could be developed or expanded to increase education provision aimed at preventing domestic abuse. Edinburgh Women's Aid stated:

It is worth noting that Equally Safe at School is in its pilot stage and could 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. (SS ID: 204310406)

Data collection

There was support for the proposal that accurate data and reporting that reflects the impact of domestic abuse on different groups is required.

The organisation Committed to End Abuse stated:

We fully recognise that data is key where actions and funding is required. It is impossible to identify the “full picture” without the data and evidence to support this. (SS ID: 204139291)

Whilst supporting the need for data collection and reporting a number of organisations emphasised the need for efficiency and as with other proposals a focus on developing existing provision was highlighted.

Amina (Muslim Women’s Resource Centre) also considered that more information was required, stating:

Better data capturing for BME women is absolutely needed in Scotland. We welcome further scrutiny of this bill and the potential impact this can have for women. More details will be needed on the bill and the implementation to decide if this bill is needed and more importantly if it will be effective. With the prevalence of domestic abuse we welcome any legislation that can help victims. We look forward to discussing the need and effectiveness for keeping women safe with this bill. (SS ID: 203987831)

The Law Society of Scotland who were neutral in their support for the data proposal stated:

We are of the view that a significant amount of data relating to domestic abuse offences is already collected from a variety of sources. It may simply be that widening the parameters of the data already being collected is required in order to provide a more comprehensive picture (non-Smart Survey response)

Social Work Scotland suggested extending the learning and experience gained from the Delivering Equally Safe strategy to underrepresented groups:

The Scottish Government’s “Delivering Equally Safe” strategy and funding provides a strong basis to build upon and Social Work Scotland would recommend that existing practices and approaches be considered to avoid any future duplication (non-Smart Survey response)

Justice Services for Adults City of Edinburgh Council stated that the existing MARAC framework contained a mechanism for reporting on ethnicity and other characteristics and therefore opposed the proposal on data. Whilst the Scottish Association of Social Workers highlighted existing duties under the Equality Act 2010 which could be better implemented to achieve the stated aim:

We support this proposal to some extent, but we suggest that perhaps it could be reframed to take account of the fact that there are already duties on service providers through the Equalities Act, and perhaps these could be emphasised and strengthened. We would welcome a

plan for how the data gleaned from any such measure would be used to optimise improved services for those affected. (SS ID: 204238304)

Scottish Women's Aid also referred to the Equality Act 2010 and proposed a strengthening of the Public Sector Equality Duty 2010 as one approach to obtaining relevant data on groups with protected characteristics:

SWA and other women's sector organisations have urged for reform to the Public Sector Equality Duty to ensure enforcement of duty to collect disaggregated data. The failure across the public sector to do so and to report progress on improving access for those with protected characteristics must be addressed robustly and effectively. (SS ID: 203933153)

Question 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 / etc.)? Please explain the reasons for your response.

244 respondents (99% of the total) answered this question. Of those respondents:

- Two hundred and three (83%) were fully supportive;
- Fourteen (6%) were partially supportive;
- Four (2%) were neutral;
- Eleven (4.5%) were partially opposed;
- Eleven (4.5%) were fully opposed.

Of the individual respondents who answered this question:

- 90% were fully supportive;
- 4% were partially supportive;
- 1% were neutral;
- 2% were partially opposed;
- 3% were fully opposed.

Of the organisation respondents who answered this question:

- 37% were fully supportive;
- 19% were partially supportive;
- 6% were neutral;
- 19% were partially opposed;
- 16% were fully opposed;
- 3% were unsure.

As with the overall support levels for the proposed bill, there was a clear divergence between the level of support from individuals (90% fully supportive) and the lower level of support from organisations (37% fully supportive) to this part of the proposed bill. The register is also covered in detail in the analysis of questions 1 and 2 and so the detail below should be read in conjunction with earlier sections of this document.

The consultation document on the proposed bill sets out the proposal to introduce a register for those who commit domestic abuse and providing access to this information to support those at risk. Further details on this provision are contained in [pages 20-24 of the consultation document](#).

In the consultation document, the member specifically asked for views on:

- a. what the criteria should be for someone being put on the register;
- b. what the criteria should be for remaining on the register, and for how long;
- c. 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;
- d. which public bodies should have access to the information on the register and for what purposes;
- e. when a public body such as the Police should share this information with others such as a new partner; and
- f. 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

While some responses specifically covered the above points, others provided a general view on establishing a register. A summary of responses is set out below, with views on points a-f covered under the heading 'How the register would function' below.

RESPONSES FROM INDIVIDUALS

Providing information and allowing for informed choices

Many individuals highlighted the positive impact that they believed the introduction of a register could have. It was suggested, for example, that the register would offer protection to individuals by allowing them to identify potential abusers and thus make informed choices before entering into, or continuing, a relationship. One anonymous respondent stated:

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.

The respondent went on to state:

Monitoring of the "who" and "where" is imperative to enable local services to be able to access this information in the prevention of further abuse. (SS ID:201103495)

There was reference to the sex offenders register, and in particular the suggestion that a domestic abuse register could be set up on a similar basis. Some respondents considered that domestic abuse should have the same or similar status as sexual abuse (for example, Anonymous, SS ID:198497908) Another anonymous respondent stated:

The Sex Offenders register works quite well and a register of domestic abusers will work equally well as a safe-guarding mechanism (SS ID: 203562296)

Creating a deterrent

A number of individual respondents suggested that there would be a stigma associated with being placed on the domestic abuse register and that this may act as a deterrent. Some respondents considered that the establishment of the register would be a way of holding abusers accountable for their actions, whilst also deterring them from repeat offending. One anonymous response stated:

Women who are abused are often crippled with fear and shame and misjudged. It is time to put the blame firmly upon the abuser. The shame is theirs and it may deter some if they thought it would be public knowledge. (SS ID:204485851)

Repeat offending by perpetrators of domestic abuse was noted to be a particular problem, with hope expressed that the establishment of a register could help to address this. One anonymous respondent stated:

This measure should stop people moving around endlessly through different families. I have seen families affected by the same criminal because the current system doesn't do enough to prevent this. The Disclosure Schemes have good intentions behind them but they do not go far enough. A register would ensure criminals are monitored more consistently. (SS ID: 201092240)

Concerns about establishing a register

Some individual respondents, while either partially or fully supportive of a register, raised concerns about its establishment. For example, there was suggestion that making the register publicly accessible could take the focus away from rehabilitating perpetrators:

I think a register is a good thing, although I would not make it a public register. I don't believe in punishment I believe in rehabilitation. The

register, in my opinion, should be about making sure the abuser gets the help they need to prevent future DV. I think having a public register can lead to things like vigilantism and exclusion of people in society which will only further cause them to lose empathy and a connection with society. (Anonymous, SS ID: 203355416)

Some respondents raised concerns that the register could be abused with, for example, a victim of domestic abuse wrongly being placed on it:

My concern is that abusive men will use the threat of going on the register to the women they abuse. It's well known tactic of abusive men to claim they are the ones being abused. More police training is needed to deal with domestic situations and recognise that a distressed woman who has been goaded to the edge of her tether is different from an abuser. (Fiona Bannantyne, SS ID: 203761176)

There were further concerns that individuals could be placed on the register when it was not appropriate to do so, for example, when their behaviour was due to mental health problems. (Anonymous, SS ID: 198704212).

Others suggested that there must be safeguards put in place in order to ensure that the register is used appropriately.

Some opposed individual respondents considered the proposed bill to be a disproportionate response to domestic abuse, with one anonymous respondent stating that:

“A register would be unwieldy and overly punish those with relatively minor convictions who pose no significant threat.” (SS ID: 198991278)

RESPONSES FROM ORGANISATIONS

Concern regarding how register would work alongside existing systems

Many opposed respondents referred to the systems which are already in place, such as Multi-Agency Public Protection Arrangements (MAPPA)², and suggested that the proposed register may be an unwelcome addition, particularly given the associated finance and resourcing implications. The Scottish Association of Social Work (SASW) set out its views as follows:

Police Scotland already have measures in place for gathering intelligence about domestic abuse perpetrators and sharing it with those at risk. This is a less formal arrangement than a register and it

² Multi-Agency Public Protection Arrangements (MAPPA) are a set of statutory partnership working arrangements introduced in 2007 under [Section 10 of the Management of Offenders etc. \(Scotland\) Act 2005](#) (the 2005 Act). [Multi-Agency Public Protection Arrangements \(MAPPA\) in Scotland: national overview report 2021/2022 - gov.scot \(www.gov.scot\)](#)

appears to contribute to safety. Creating a register of domestic abuse offenders might risk endangering current systems. SASW is not confident that a register would create additional safety for those at risk of domestic abuse and would risk a situation where false reassurance is offered. When we add to this the enormous expense of creating and maintaining a register, it appears that resource would be better allocated to rehabilitation and preventative services which would address the causes of gender equality and domestic abuse.

Before SASW could support a move to create a register for those convicted of domestic abuse, we would welcome thorough consideration of whether there might be merit in exploring how existing systems, such as MAPPA, MARAC and DSDAS might be strengthened and aligned to create better safety for victim-survivors. In addition, we would welcome a detailed plan for support for all those who would be affected by a register. (SS ID: 204238304)

Lack of supporting evidence

It was suggested that there was no evidence to support the establishment of a register or to suggest that it would be successful, with the Social Work Association questioning whether the sex offenders register had been effective. It went on to say:

As far as SWA knows, there is no evidence base indicating that a register will have a deterrent effect. We worry that such a register might offer false reassurance to policy makers and survivors that being placed on a register would offer additional protection and safety, when we have no evidence to support that assumption. (non-Smart Survey response)

This was echoed by others, including the Scottish Women's Right Centre, which stated:

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. (SS ID: 204411382)

Unlikely to be effective

It was considered by some respondents that the low conviction rates for domestic abuse offences would mean that the register may have limited

effect, given the proposal that only those convicted of domestic abuse related offences be placed on the register. Scottish Women's Aid stated:

We would be interested in a procedure following conviction that would ensure that professional bodies such as political parties and football clubs would be notified about a potential candidate or employee had been convicted of domestic abuse, but given the tiny number of convictions compared to the 60,000 police reports per year, that will have only a very small effect. (SS ID: 203933153)

Cost

Victims Support Scotland³ highlighted the resource implications of setting up a register, stating:

We believe that the register would only work in practise if there was an increase in officer numbers to accommodate all the requirements of monitoring individuals to the same standards that individuals who are monitored on the Sexual Offences Register.

Further to this Victim Support Scotland suggested that, where appropriate, offenders should be monitored via a "bespoke" register, stating:

We would highlight the Home Affairs Select Committee in the UK parliament and the London Assembly have recommended serial offenders for stalking and domestic abusers to be monitored through a bespoke register. That approach would potentially require less police resources to monitor those high-risk offenders. We would need there to be assurances that proper risk assessments are carried out to ensure that the most appropriate offenders are added to the list for additional monitoring arrangements.

Potential for false allegations

Concerns were raised that the register would be subject to abuse and misuse, for example should false accusations of domestic abuse be made, that could in turn lead to someone being incorrectly placed on the register. Edinburgh Women's Aid set out such a scenario in its response:

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. A significant number of referrals into DSDAS are actually perpetrators of domestic abuse (most frequently men) whose partners (most frequently women) have used violent resistance against

³ Victim Support Scotland provided an extensive response to this and other consultation questions which can be found here: [Consultation responses | Pam Gosal MSP](#) along with all other public responses to the consultation.

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-defence. 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. Sometimes women who have been made vulnerable by domestic abuse are preyed upon by other abusers, if she is then named in a domestic abuse register, this increases her risk and vulnerability from any new domestically abusive partners. (SS ID:204310406)

HOW THE REGISTER WOULD FUNCTION

The consultation document asked respondents to provide views on questions set out below. While only a limited number of respondents answered the questions specifically, views from those individuals and organisations have been summarised below.

(a) what the criteria should be for someone being put on the register

While there was no settled view from those answering this question, a substantial proportion suggested that only people who had been convicted of domestic abuse related offences should be placed on the register, with an individual respondent, Fiona McCormack, adding that this should include those convicted of psychological abuse (SS ID: 201971342). AMIS (Abused Men in Scotland) considered that those convicted of domestic abuse offences should also be on the register. In terms of criteria, AMIS (Abused Men in Scotland) stated;

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. (SS ID: 204397972)

Some respondents suggested that only repeat offenders should be placed on the register. For example, an individual respondent, Alys Cameron, stated:

I believe anyone who has been reported to Police or the domestic abuse team on more than one occasion and for whose behaviour, events can be corroborated, should be placed on the register (SS ID: 200954236)

Other suggestions as to who should be placed on the register included:

any person who has caused another fear, anxiety, stress, upset, mental and physical illness due to severe cruel behaviour. (Clare Hamilton Lumsden SS ID: 201033064)

and:

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 of intimate terrorism. (Shetland Women's Aid, SS ID: 204247856)

Dogs Trust, which was partially supportive of the register, detailed the link between domestic abuse and pet abuse and stated:

we strongly recommend that any register introduced includes details of previous incidents of pet abuse where domestic abuse has taken place. (SS ID: 203899500)

(b) what the criteria should be for remaining on the register, and for how long

There were mixed views from those who commented specifically on this point. In terms of specific timescales, one respondent stated that someone should remain on the register for 10 years, but that this could perhaps be extended depending on the person's age (David Yeoman, SS ID: 198506615)

Other respondents suggested that certain criteria should be met before an individual could be removed from the register. For example, one respondent stated that:

they should remain on the register until completion of rehabilitation and be conviction free - judge led dependant on the severity of the conviction.(Fiona McCormack, SS ID: 201971342)

Some respondents took the view that the length of time someone is placed on the register should be dependent on the severity of the offence that they have carried out (e.g. Ainsley Clark, SS ID 204078858). Victims Support Scotland and others considered that the level of risk that the person on the register poses to the public should be taken into account in determining how long someone remains on the register:

Victim Support Scotland agrees with the consultation document that if a register is to be introduced the length of time an individual remains on the register will depend on the risk that they are deemed to pose to the community. This should be done by the Criminal Justice Social Work after a full risk assessment process is completed. We would urge that

any risk assessment should be created in conjunction with the Risk Management Authority (RMA)⁴. (SS ID:204488012)

(c) 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;

The consultation document suggested the types of information that someone placed on the register may be required to disclose as follows:

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

Some respondents were in agreement with the notification requirements as set out in the consultation document. Other suggestions for inclusion included notifying of rehabilitation programme progress and if they have been banned from a dating site. (No Fear Community Interest Company, SS ID: 203445460)

It was also suggested that in some circumstances people should have to disclose that they have been placed on the register and that individuals on the register should also be placed on the disclosure Scotland protecting vulnerable groups register. (David Yeoman, SS ID: 198506615)⁵

Victim Support Scotland considered that relevant authorities should determine which information should be provided:

it should be for those tasked with managing individuals on the register to decide what information they would require from an individual including reporting requirements were that information to change. (SS ID:204488012)

(d) which public bodies should have access to the information on the register and for what purposes;

⁴ Footnote added by NGBU for information:[About - RMA - Risk Management Authority](#)

⁵ (Footnote added by NGBU for information) [Protecting Vulnerable Groups \(PVG\) scheme - mygov.scot](#) According to the website:” The Protecting Vulnerable Groups (PVG) scheme is managed by [Disclosure Scotland](#). It helps ensure people who are unsuitable to work with children and protected adults cannot do [regulated work](#) with these vulnerable groups.”

Some respondents simply stated that all public sector organisations should have access to the information on the register, with one respondent stating:

Every public body should have access to the Register. The person is on the Register because they have caused immeasurable upset, fear & stress to their ex-partners and often their children. Everyone has the right to know this. (Clare Hamilton Lumsden, SS ID: 201033064)

Specific bodies that were named in responses, included:

- Police Scotland
- Scottish Prison Service
- Health boards
- Local authorities
- Social work services
- Third sector organisations, such as ASSIST or Rape Crisis Scotland

Victim Support raised concerns regarding access to the register:

If the register were to work in a similar fashion to the sexual offences register, then it would not be a public register and access to the information contained within it should be restricted to the agencies involved in the management of offenders contained within it. We would have concerns regarding the collation of information about the victim of crime and who would have access to that type of information. (SS ID:204488012)

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

And

(f) 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.

There was overlap in the responses to parts (e) and (f). Responses to both questions are summarised as follows. Some respondents considered that information should be shared with a new partner as soon as requested or as soon as practicable after a relationship is entered into, with No Fear Community Interest Company stating:

New partners should receive information as soon as possible because the level of manipulation and 'love bombing' abusers do to partners may cloud their judgement as the relationship takes on form. (SS ID: 203445460)

While one respondent considered that “anyone with concerns should have access to this information” (Fiona McCormack, SS ID: 201971342) another individual respondent considered that determining who such information could 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. (David Yeoman, ID: 198506615)

Victim Support Scotland highlighted that the power to share such information already exists, and added:

It would be a matter for the police, or criminal justice social work to risk assess whether a partner needs to be told about the offending history of a domestic abuse offender. We do not believe that a domestic abuse register would contain any additional information that the police would not already hold. (SS ID:204488012)

Question 4: Which of the following best expresses your view of introducing mandatory rehabilitation measures for those convicted of domestic abuse (Fully supportive / Partially supportive / etc.)? Please explain the reasons for your response.

244 respondents (99% of the total) answered this question. Of those respondents:

- One hundred and seventy-eight (73%) were fully supportive;
- Twenty-nine (12%) were partially supportive;
- Eight (3%) were neutral;
- Seven (3%) were partially opposed;
- Fifteen (6%) were fully oppose;
- Seven (3%) were unsure.

Of the individual respondents who answered this question:

- 78% were fully supportive;
- 12% were partially supportive;
- 2% were neutral;
- 2% were partially opposed;
- 2% were fully opposed;
- 3% were unsure.

Of the organisation respondents that answered this question:

- 35% were fully supportive;
- 10% were partially supportive;
- 10% were neutral;
- 10% were partially opposed;
- 32% were fully opposed;
- 3% were unsure.

As with the proposed register, the levels of support from individuals (78% fully supportive) for this policy is notably higher than from organisations (35% fully supportive). This policy is also covered in detail under questions 1 and 2 and so the analysis below should be read in conjunction with earlier sections of this document.

The consultation document on the proposed bill sets out Pam Gosal's provision introducing a **legal requirement for mandatory, court ordered rehabilitation measures for those convicted of domestic abuse**. Further details on this provision are contained in [pages 24-26 of the consultation document.4](#)

In the consultation document, the member specifically asked for views on:

- a. What the rehabilitation measures could consist of;
- 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);
- c. The mechanism for these measures to be allocated;
- d. Exemptions where individuals could be considered ineligible;
- 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;
- g. How these measures should be delivered in practice; and
- h. Whether the offender should pay for these measures themselves.

While some respondents covered the above points specifically, most provided a general view on introducing mandatory rehabilitation measures for those convicted of domestic abuse. The responses on the individual points are incorporated in the summary of responses to the question below, where appropriate.

RESPONSES FROM INDIVIDUALS

Rehabilitation can lead to behavioural change

A theme among responses from individuals was that mandatory rehabilitation measures should be put in place, as this could lead to changes in the behaviour of those convicted of domestic abuse offences. Hope was expressed that this would in turn lead to a reduction in instances of domestic abuse. An individual respondent, Kirsty Cameron, stated:

If convicted the offender should absolutely have to participate in a rehabilitation program. Every attempt to ensure they do not abuse anyone again should be made. (SS ID: 201561336)

Some respondents were of the view that people can change for the better and that rehabilitation can help them to do so (Anonymous, SS ID: 203106649). It was noted that providing support and education was key to ensuring that perpetrators did not re-offend. One individual respondent, Jackie Lawrence, stated:

It's imperative that offenders of domestic abuse complete a rehabilitation programme as this would help to educate them and encourage them to change their behaviour resulting in a reduction of these offences being repeated. (SS ID:204189383)

It was noted that the behaviour of those carrying out domestic abuse may be linked to the past experiences of the perpetrator, with an individual respondent stating:

For some the domestic abuse may seem "normal" due to having experienced this in childhood. Educating them can rehabilitate and prevent future offending. (Arti Malhotra-Hope, SS ID 201965480)

A number of respondents were of the view that rehabilitation should be used to help those convicted of domestic abuse to understand the negative impact that their actions have had, with an anonymous individual respondent stating:

I think making rehab mandatory may in some cases bring home to the abusers that his behaviour is wrong and unacceptable. This may help them to become accountable and change. (SS ID: 204485851)

How mandatory rehabilitation could work

Some of the individual respondents, who considered that mandatory rehabilitation measures could be successful, set out their views on how such measures should work in practice. For example, it was suggested that rehabilitation could be used alongside other measures such as "sentencing" (Anonymous, SS ID:201104127) or the "education of kids" (Satbir Kaur Gill, SS ID:204156315)

On what rehabilitation might entail, an individual respondent, Robyn Fairley, suggested:

I fully support the idea that they should undertake educational, anger management treatment, and, where both parties agree, restorative justice measures. Abusers need treatment and support to be able to know how to control their emotions and impulses. (SS ID: 201239879)

Alys Cameron suggested that:

Rehabilitation might include watching testimonials of those who had suffered domestic abuse or listening to talks given by victims. (SS ID: 200954236)

Some respondents stressed the need for any rehabilitation measures to be carefully set up and managed in order to operate effectively and avoid the system being abused, with one respondent stating that rehabilitation sessions can be a meet up for abusers to talk and support each other in their behaviour. (Anonymous, SS ID: 203999358)

Other respondents considered that the focus of any rehabilitation should be on the root cause of domestic abuse, with one anonymous respondent stating:

Rehabilitation should be able to address the causes of domestic abuse rather than just the symptoms, otherwise it is just a sticking plaster and will not bring long term resolution. There may be contributory factors such as concern about finances and housing, mental health etc. So rehabilitation has to include far more than just anger management. It should include relationship skills, respect for others and self, stress management, financial budgeting and assistance, information about services that are available to offer help in times of stress, whether financial, housing or relational. (SS ID: 201438342)

Mixed views on existing rehabilitation programmes

Mixed views were expressed by individuals on existing rehabilitation measures, including the Caledonian System, a Scottish Government behaviour programme for men convicted of domestic abuse offences, as well as a support service for their partners and children⁴⁴. Some individual respondents praised such programmes, with Ainsley Clark stating:

I have seen the often positive work such agencies as the Caledonian Project have (attached to CJSWD) and the effect rehabilitation can have not only on a perpetrator but also victims and their families/children. (SS ID 204078858)

It was noted that the availability of programmes such as the Caledonian System varies greatly, with an anonymous respondent stating:

The current programmes in place to rehabilitate aren't mandatory and are very inconsistent from one city to the next. I have family who have gone through this and there was almost nothing available to them for support, and the perpetrator ended up with a light sentence and no rehabilitation. He and many others ended up reoffending. Mandatory rehabilitation measures should help stop this from happening so I fully support this part of the Bill. (SS ID: 201092240)

Another individual respondent considered such programmes to have limited effect, noting:

Rehabilitation measures are needed but in practice these often just teach abusive men to be better at keeping their abuse under the radar. Perpetrator courses have a very low success rate, it's rare to get genuine rehabilitation. More needs to be done to tackle the problem in boys and teenagers before it takes hold as an entitlement in adulthood. (Fiona Bannatyne, SS ID: 203761176)

Victoria Cameron, who was neutral towards this measure, suggested alternatives to rehabilitation, stating:

I believe that there needs to be a hard consequence for abuse, such as fines, community service, sentencing and to be placed on a register. There also needs to be more of a focus on the victim. The reality is that many abusers are narcissistic and as such rehabilitation will actually play into their hands as they can manipulate that to make themselves into the victims. (SS ID:201899813)

RESPONSES FROM ORGANISATIONS

As noted above, 35% of organisations were fully supportive and 12% were partially supportive. Themes from responses from organisations are summarised below.

Practical issues with mandatory rehabilitation measures

Committed to Ending Abuse (CEA) considered that “If implemented properly with the correct structure from the start [rehabilitation measures] could be good” but noted some potential issues with including mandatory rehabilitation measures in the proposed bill:

We have case level evidence where this programme is clearly not working, and victims have been retraumatised time and time again. We feel if this proposed bill went ahead, it should be mandatory for all the criminal justice system to have training on domestic abuse, and not just a one-off training, the Scottish court system is unrealistic when it comes to supporting witnesses of domestic abuse, the person who has been abused needs to be the focus at all times.

We feel there are a lot of things to fix out like what if someone is charged and the offender counter charges them? We see this happen often also. I think there needs to be a specialised domestic abuse agency involved in the whole process with ongoing training once the program was implemented long term.

We suppose if the offender needs a conviction to be put on the program will this work out like the Caledonian where the offenders are on the program for a certain amount of time? How will this be regulated and monitored? To date as there are faults with both the court system in general and the mandated program already in place. (SS ID: 204139291)

It was suggested that mandatory rehabilitation would make little or no difference or may even be counterproductive. An organisation, which wished to remain anonymous, stated:

The focus on rehabilitation for example appears misinformed - our frontline experience tells us that the efficacy of [domestic abuse] offender rehabilitation is extremely limited, particularly in relation to high tariff offenders. The cultural issues which underlie domestic abuse perpetration are thoroughly entrenched in our society and a rehab course does not fix this. In fact in our experience many perpetrators effectively "weaponise" these courses and successfully extend their abuse by manipulating the professionals involved. Our experience of the Caledonian System has not been positive on the whole. (SS ID: 200178216)

Blanket approach to mandatory rehabilitation unsuitable

There was criticism of the blanket approach to rehabilitation that would be created, should it be made mandatory for everyone convicted of domestic abuse related offences. For example, Scottish Women's Aid and others suggested that some offenders would not be considered suitable for rehabilitation and that making it mandatory could therefore have a negative effect:

SWA cannot support mandatory rehabilitation. Scotland's Caledonian programme of work with DA offenders offers the best option for rehabilitation and should be rolled out across all local authorities. However, even in the best-case scenarios, the intervention works with some convicted offenders. Requiring rehabilitation will just ensure that ineffective interventions will be used, at significant cost and increased risk to child and adult survivors. (SS ID: 203933153)

The Scottish Women's Rights Centre stated:

We concur with [Scottish Women's Aid] 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. (SS ID: 204411382)

The Law Society of Scotland and others suggested that making rehabilitation measures mandatory could have a negative impact and be disproportionate in some case. It stated:

We have concerns about the mandatory nature of this proposal in every domestic abuse conviction unless there is some form of proportionality. There are instances, where a domestic abuse conviction can result in either an absolute discharge or sentence deferred for good behaviour and then an admonition by the courts. Courts will only adopt that type of sentence, where it appears that the domestic abuse that occurred was out of character, in a set of

particular circumstances and is not something that is likely to be repeated. (Non-Smart Survey response)

A number of respondents took the view that rehabilitation measures should be designed with the needs and views of victims given consideration, with the Scottish Association of Social Work explaining:

While we support increased access to specialist services for those who have committed domestic abuse, these must be thoroughly specialist, evaluated services such as the Caledonian System, with individuals assessed for their suitability to take part. In planning of such services, and assessment of suitability, the needs and views of victim-survivors must be considered, regarding impact on their safety. Victim-survivors are the people who possess most information about the risk posed by perpetrators, and the likely impact of interventions on their safety and that of their families. (SS ID: 204238304)

The Scottish Association of Social Work also expressed concerns regarding the potential impact on victims:

Mandatory rehabilitation would be extremely expensive and again, it risks offering false reassurance to victims that an offender has been rehabilitated and therefore risk reduced.

Inclusion of anger management measures unsuitable

There was criticism of the suggestion in the consultation document that rehabilitation measures may include anger management classes, with the Scottish Association of Social Work stating:

We have particular concern about the suggestion in the proposed Bill that anger management is an effective way of addressing domestic abuse. Domestic abuse is not an anger management issue. Coercive control, which is a major factor in many domestic abuse cases, is a pattern of consistent, wide-ranging behaviour which takes place over an extended period and severely restricts the freedom of those whom it is perpetrated against. It is not about a loss of control, or an angry reaction to a specific trigger. To suggest anger management might be a suitable intervention in coercive control situations would not only be ineffective it would be dangerous.” (SS ID: 204238304)

Edinburgh Women’s Aid also set out why it considered anger management to be inappropriate in response to domestic abuse:

Research into the nature of domestic abuse, specifically coercively controlling behaviour shows that it is not a case of a loss of control or anger becoming out of control, but rather that the abuse is controlled and controlling. Anger management programmes are not appropriate to be used in domestic abuse situations. (SS ID:204310406)

Cost and resource implications

Some respondents made reference to the potentially high costs of establishing mandatory rehabilitation measures, with the Law Society of Scotland and others noting the significant costs likely to be involved. Some respondents considered that this may be a waste of resources, particularly if those subject to rehabilitation are unreceptive (Grazia Robertson SS ID: 200323241)

Edinburgh Women's Aid suggested that the money which would be spent on the proposed mandatory rehabilitation would be better invested:

In current resources working with perpetrators of domestic abuse, including widening voluntary access to interventions, and increasing provision of early intervention options. (SS ID:204310406)

Willingness to engage

Brodie's Trust and the British Transport Police, both who were neutral towards this measure, suggested that rehabilitation would only be effective if the person undertaking it showed a willingness to engage. Brodies Trust stated:

Rehabilitation only works if the perpetrator is willing. For the most part perpetrators see little wrong with their behaviours and use DARVO and play victim rather than accept accountability for their actions. It's perhaps going to work with those who do recognise their wrong doing but I'm unsure as to whether mandatory rehabilitation is the way forward.(SS ID:198472014)

Social Work Scotland took a similar view, stating:

An individual cannot be forced or punished into rehabilitation. A human rights approach determines that any restrictions on liberty should be well-founded. The skills and experience of practitioners should focus on motivation and engagement in order to encourage an individual to take part, participate and finish a course of attitude and behaviour change with long lasting impact and positive outcomes. This is more likely to benefit the individual, his family and ultimately the community

Social Work Scotland's response also made reference to restorative justice noting that it

can be a powerful tool for change when carried out under the right circumstances and by professionally trained facilitators.(non-Smart Survey response)

Question 5. 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?

242 respondents (98% of the total) answered this question. Of those respondents:

- One hundred and eighty-five (76%) were fully supportive;
- Eighteen (7%) were partially supportive;
- Seventeen (7%) were neutral;
- One (<1%) was partially opposed;
- Eight (3%) were fully opposed;
- Thirteen (5%) were unsure.

Of the individual respondents who answered this question:

- 80% were fully supportive;
- 6% were partially supportive;
- 6% were neutral;
- <1% were partially opposed;
- 2% were fully opposed;
- 5% were unsure.

Of the organisation respondents who answered this question:

- 52% were fully supportive;
- 19% were partially supportive;
- 16% were neutral;
- 6% were fully opposed;
- 6% were unsure.

This question relates to a provision to **introduce an obligation on the Government to produce an annual report in which it sets out the actions it is taking to improve access to domestic abuse services for individuals from underrepresented communities**. Further details on this provision are contained in [pages 28-32 of the consultation document](#).

It is worth noting that the level of support for this strand of the proposed bill from organisations is higher than in relation to the two strands summarised above. The level of support from individuals (fully / partially supportive 86%) and from organisations (71%) reflects wide general support for this policy.

In the consultation document, the member specifically asked for views on:

- Whether annual reporting would provide a regular enough, or too frequent, an update on incidences of domestic abuse, access to domestic abuse services, and improvements to access; and
- What information the report should specifically include.

While some respondents covered the above point specifically, most provided an overall view on the proposals to strengthen data collection and reporting measures. Responses to those specific questions have been incorporated in the summary of responses to the question below, where appropriate.

Benefits of collating, and reporting on, data

Many individual respondents set out what they considered to be the potential benefits of the proposals for data collection and reporting, and the requirement for the Government to publish an annual report. It was suggested that this would help to assess the current situation regarding domestic abuse, identify gaps in services and where action was required. (Anonymous, SS ID:201103495)

Support from organisations was higher for this policy than for any other policy set out in the proposal. 71% were either fully or partially supportive.

The Social Work Association noted that it and other women's sector organisations have urged for reform to the Public Sector Equality Duty to ensure enforcement of duty to collect disaggregated data and went on to note that:

The failure across the public sector to do so and to report progress on improving access for those with protected characteristics must be addressed robustly and effectively. We consider an annual report to Parliament just one of the actions that Parliament could take to improve data collection. (Non-Smart Survey response)

Frequency and content of reports

Of the respondents who commented on the frequency in which reports should be published, the consensus was that once a year would be appropriate. AMIS (Abused Men in Scotland) suggested that while a report could be published annually, raw data should be available on a quarterly or monthly basis and that this could 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. (SS ID: 204397972)

Some respondents made suggestions of what information could be included in the report. For example, Networking Key Services set out that:

Mandatory annual report published by the Scottish Government will no doubt be beneficial to all stakeholders. The report should include breakdown of data for the protected characteristics under the Equality Act 2010. This will evidence the prevalence of domestic violence under each category and accessibility to services by each community and protected characteristic category. It will certainly be helpful to improve services for those categories who are not using services relatively. The services can be evaluated and outcomes incorporated to improve services. (SS ID: 202802456)

Focus on underrepresented communities

There was some specific discussion on underrepresented communities with organisations including Amina (Muslim Women's Resource Centre) expressing support for improved data collection in relation to ethnicity and domestic abuse. An anonymous organisation, highlighted some relevant issues, stating:

There is growing concern amongst ethnic communities that no one knows the extent of what is happening there are no statistics or data of how many perpetrators are putting themselves forward as potential partners for other women to be abused. Children are being affected we see so many cases of children traumatised by witnessing abuse. This in turns leads to a cycle where it can become normalised and goes into adulthood where it can become the 'norm' for some individuals. (SS ID: 201373896)

AMIS (Abused Men in Scotland) noted that only a small proportion of domestic abuse victims who identify as male are known to receive support from organisations. It considered improved data collection to be an “essential” element of the proposed bill, and went on to note that:

Without the required detailed information on BAME, LGBTQ+ or disabled communities or any other communities, we cannot say by what proportion they are underserved. (SS ID: 204397972)

The Scottish Association of Social Work noted the disproportionate impact of domestic abuse on victim-survivors from diverse backgrounds. It went on to state:

We know that there are factors in people's lives which not only increase opportunities for perpetrators to assert power and control, but also add extra barriers to victim-survivors' capacity to seek help and achieve safety. These include but are not restricted to culture, religion, immigration status, socio-economic status, age, disability, sexuality, and gender. We actively promote the need to view domestic abuse through an intersectional lens, and for services to be aware of and sensitive to the ways in which domestic abuse can be exacerbated through wider societal features. (SS ID: 204238304)

However, the Scottish Association of Social Work also stated that there are already duties relating to data in the Equalities Act 2010. It set out an alternative to the member's proposal as follows:

We support this proposal to some extent, but we suggest that perhaps it could be reframed to take account of the fact that there are already duties on service providers through the Equalities Act, and perhaps these could be emphasised and strengthened. We would welcome a plan for how the data gleaned from any such measure would be used to optimise improved services for those affected. (SS ID: 204238304)

Some of the respondents who were opposed to this measure considered that services should be provided to all domestic abuse victims, regardless of whether they were considered to be underrepresented or not. For example, one anonymous respondent stated that:

These services should be provided universally regardless of ethnic group, and publishing this information would only lead to demonisation of any group that is over-represented. (Anonymous, SS ID: 198506226)

Edinburgh Women's Aid raised concerns that this proposal would place additional burdens on the third sector, setting out that:

Currently the burden of reporting domestic abuse referrals into specialist services (for Equally Safe) sits with the third sector and this proposed bill creates another line of reporting that would fall on already pressed services. While reporting on access to services should be improved, this should be as part of a conversation with the Equally Safe working groups to look at how this can be done without additional reporting burdens on the third sector. [Equally Safe] annual returns collect equality data as does the MARAC reporting mechanism. (SS ID: 204310406)

Justice Services for Adults, City of Edinburgh Council, was fully opposed to this measure, citing the existing reporting mechanism on ethnicity and other characteristics which is part of the MARAC framework.⁶

Of the respondents that were unsure or neutral, many made similar points to those set out above. The Law Society of Scotland, which was neutral, noted that:

It may simply be that widening the parameters of the data already being collected is required in order to provide a more comprehensive picture. We acknowledge that a recording requirement and data sharing agreements between organisations is likely to have a positive impact on monitoring domestic abuse cases and managing risk. (non Smart-Survey response)

Shetland Domestic Abuse Partnership called for more to be done to support existing specialist services to improve access and inclusion with funding provided to help organisations to improve their reach. Social Work Scotland, which was unsure about the proposed measure, also made reference to existing services and suggested that consideration should be given to utilising such approaches in order to avoid duplication. It noted that:

The learning and experience gained from this strategy could perhaps be extended to include underrepresented groups. We would agree that

⁶ Multi-Agency Risk Assessment Conference [MARAC FAQs General FINAL.pdf](#) (safelives.org.uk)

annual reporting could perhaps bring greater clarity on the extent of the problem and progress monitored, year on year. Qualitative information on the journey of those with “lived experience” could help inform service improvements.(non-Smart Survey response)

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

243 respondents (98% of the total) answered this question. Of those respondents:

- One hundred and ninety-six (81%) were fully supportive;
- Thirty-one (13%) were partially supportive;
- Six (2%) were neutral;
- Five (2%) were partially opposed;
- Two (<1%) were fully opposed;
- Three (<1%) were unsure.

Of the individual respondents who answered this question:

- 85% were fully supportive;
- 10% were partially supportive;
- 2% were neutral;
- 1% were partially opposed;
- 1% were fully opposed;
- 1% were unsure.

Of the organisation respondents who answered this question:

- 52% were fully supportive;
- 32% were partially supportive;
- 3% were neutral;
- 10% were partially opposed;
- 3% were unsure.

The level of overall support for this policy was very similar between individuals and organisations, with 95% of individuals either fully supportive or partially supportive, compared to 84% of organisations.

The provision to introduce mandatory education in schools on domestic abuse is set out in [pages 31-32 of the consultation document](#).

In the consultation document, the member specifically asked for views on:

- The amount of teaching time required;
- The content of education on domestic abuse;
- Who should deliver education on domestic abuse (schools themselves or external experts);
- Which schools should deliver education on domestic abuse (e.g. local authority run schools or independent schools etc); and

- What is the most appropriate age range for young people to begin receiving education on domestic abuse.

While some respondents covered the above points specifically, most provided an overall view on the proposal to introduce mandatory education in schools on domestic abuse. Responses to those specific questions have been incorporated in the summary of responses to the question below, where appropriate.

Potential long-term benefits

Respondents set out the positive impact that they considered that introducing mandatory education in schools could have. Many believed that it would raise awareness about domestic abuse and ensure that, from a young age, people view domestic abuse as unacceptable (Alys Cameron, SS ID: 200954236) and understand issues such as consent and coercive control. In turn, it was hoped that the prevalence of domestic abuse would reduce in the long term. An individual respondent, Fiona Bannatyne, stated:

It should be a regular part of the conversation with children in high school. Teaching girls about the different and often very subtle types of abuse, their legal rights e.g. over coercion, financial abuse as well as physical and verbal abuse. Teaching young boys how to behave respectfully towards women, teaching them to stand up for women if they see their friends engaging in disrespectful or abusive behaviours. Men need to be part of the resolution of this problem, so teaching boys before they become men is essential (SS ID: 203761176)

It was considered that providing education could help young people to develop “healthy, happy relationships.” (Anonymous, SS ID:202821895) and that it “may help shape young adults to be good people.” (Maxine Paterson, SS ID: 203189477)

Help for children in abusive households

In addition to the longer-term benefits of providing domestic abuse education, some respondents made reference to children who are currently living in households where abuse takes place, or who know someone who is. For example, one anonymous respondent stated:

We would hope that by providing education on what constitutes domestic abuse that young people grow up not only to avoid such behaviours themselves, but to identify the signs in others to intervene on behalf of friends and family in later life, or to more readily identify if they themselves are becoming victim to domestic abuse. (SS ID: 203975597)

Another anonymous respondent discussed how such education could be helpful both in the short and long term:

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. (SS ID: 201103495)

Other respondents hoped that educating young people on domestic abuse would help to reduce any associated stigma, making the subject less “taboo” and encouraging people to talk about it and seek help when required. (Robyn Fairley, SS ID: 201239879)

Delivery and content of education

Some respondents pointed out that any education on domestic abuse should be dealt with appropriately and sensitively and pitched correctly for the age. Shetland Women’s Aid, who have experience in providing education on the subject, set out their views on content:

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. We as a specialist service have been delivering prevention education in schools across Shetland for years and we hope to improve and continue to deliver to high schools but more importantly to have the funding and access to primary school children. (SS ID: 204247856)

Other respondents suggested that education should only be introduced once children reach a certain age. For example, one respondent suggested that children should be over eight years old (Satbir Kaur Gill, SS ID:204156315) another suggested from secondary school age (Anonymously,SS ID:201374539) while another respondent suggested it should not be introduced until pupils are around 15 years old. (Anonymous, SS ID: 204015864). One anonymous respondent with experience of working in schools gave their view:

Having worked in schools for many years, I feel introducing the topic in an age & stage appropriate manner would be extremely beneficial to allow conversations of healthy relationships & where and when to get support if you're unsure of something. (SS ID:202817499)

Some respondents suggested that any education programme must have input from knowledgeable sources, such as domestic abuse services. Committed to Ending Abuse explained:

We also considered that delivering the information in schools, unless done by an expert could potentially lead to an increased risk to children living in abusive households. It is also a way to educate children and families to recognise healthy relationships and identify abuse with the understanding of the support available in their area....There is also a need for a clear link to Children & Families Social Services and the Public Protection Unit as this could increase disclosures from children and families. (SS ID: 204139291)

Some respondents suggested that domestic abuse education should be delivered by external experts, rather than teachers. AMIS (Abused Men in Scotland) set out in more detail its view on how education on the subject could be delivered:

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. (SS ID:204397972)

Current domestic abuse education programmes

A number of respondents made reference to existing domestic abuse education programmes. It was noted that education on the subject of domestic abuse might be included under Personal and Social Education (Anonymous, SS ID: 204408999). The Law Society of Scotland commented on existing provision:

We note that age and stage appropriate teaching on relationships is currently provided as part of the personal and social education (PSE) provision in Scottish Schools³⁷. We are of the view that these proposals, if implemented, will require to be delivered by those suitably qualified for the purpose with a proven track record in such areas. We consider that schools and educators already take such issues seriously and do as much as they can within the parameters of an already crowded curriculum and tight resources. (Non-Smart Survey response)

In a similar vein, Justice Services for Adults, the City of Edinburgh Council, which was partially supportive of this provision, referred to the Equally Safe at School scheme currently being piloted:

It is worth noting that Equally Safe at School is in its pilot stage and could 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. (Non-Smart Survey response)

Making education mandatory

Some respondents, raised potential issues with incorporating mandatory education on the subject into the existing school curriculum. For example, Edinburgh Women's Aid noted:

This would likely be a very positive measure which would ensure domestic abuse awareness is increased, as is necessary. However, very few parts of the Scottish curriculum are currently mandated in the way this Bill proposes so it remains to be seen if this could be implemented without creating consequences, such as leading to many different aspects of the curriculum becoming mandatory in all schools. There are many things which can be taught in schools which are very important, but local flexibility should be compatible with this. If domestic abuse education is made mandatory in schools, there will potentially be calls for many other things to be made mandatory and it's not clear if this would be helpful in what is otherwise a flexible education system. (SS ID:204310406)

Scottish Human Rights Centre took issue with the mandatory requirement for education proposed and highlighted possible negative consequences of a mandatory approach stating:

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. (SS ID:204411382)

The Scottish Association of Social Work, which was partially opposed to this measure, was unconvinced that mandatory education as set out in the consultation document would be effective and considered that the wider issue of gender inequality must be addressed:

Domestic abuse is a gendered crime, and the key to preventing and ending it is addressing gender inequality. Educational input about healthy relationships is helpful but it does not hold the key to eradicating domestic abuse. Children and young people are exposed to the inequalities in our society from birth and providing education in schools is not going to mitigate the experiences and attitudes children are exposed to in other areas of their lives, including in education. (SS ID: 204238304)

Question 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)

238 respondents (96% of the total) answered this question. Of those respondents:

- Forty-one (17%) considered that there would be a significant increase in costs;
- One hundred and nine (46%) considered that there would be some increase in costs
- Seventy-four (31%) considered there would be no overall change in costs;
- Eight (3 %) considered that there would be some reduction in costs;
- Six (2.5%) considered that there would be significant reduction in costs;

Increase in costs

There were comments on all four elements of the proposed bill – domestic abuse register, mandatory rehabilitation measures, data collection and reporting and domestic abuse education.

In relation to the costs involved in setting up and maintaining the register, Victim Support Scotland, noted that significant police resources would be required and expressed concerns regarding the impact that this could have on the support available to victims of other crimes:

The main cost implication would be the number of officers that would be required to monitor individuals on the register. Using the figures provided in the consultation document the number of officers required to monitor the Domestic Abuse Register would vastly outnumber the number of officers currently within the Offender Management Units monitoring sexual offenders.

Our concerns are that police resources would be diverted to this area of policing to the detriment of victims of other crime types. We would argue that for this register to work without other victims of crime having a reduced service then there would have to be a significant uplift in the police budget to properly resource the register and associated monitoring requirements. (SS ID:204488012)

It was also suggested that there could be substantial costs involved in setting up mandatory rehabilitation programmes. Edinburgh Women's Aid, for example, stated:

Compulsory rehabilitation measures would carry a huge cost in expanding existing structures and programmes, and developing new ones (e.g. Caledonian/anger management programmes') that many perpetrators are not appropriate referrals for or are not appropriate for DA. Additional resourcing required for the monitoring of the register might be better invested in existing schemes such as MARAC and DSDAS. Additional resourcing for making education mandatory might be better utilised supporting Equally Safe in Schools. (SS ID:204488012)

Some respondents highlighted the costs that may arise from the data collection and reporting measures set out in the draft proposal, and concerns as to how the costs would be funded. For example, one anonymous respondent set out that:

New recording and reporting measures would involve new IT or (at the very least) software, which the public sector is notoriously bad at procuring, managing and securing. The cost of this would be borne by the taxpayer resulting in money being diverted from already stretched budgets elsewhere." (Anonymous, SS ID: 198506226)

A number of respondents stated that such costs might end up being funded through individuals as taxpayers (Anonymous, SS ID: 201438342) and raised concerns that already stretched budgets and funding for Police Scotland and the public sector could be diverted to fund the creation of a new register, training for teachers etc. (Anonymous, SS ID: 198506226)

Social Work Scotland and the Scottish Association of Social Work (SASW) both considered that substantial consideration must be given to the costings involved created by the proposed bill, with Social Work Scotland stating:

Any progression of such a proposal should be accompanied by robust financial modelling to support a deeper understanding of the costings involved and to evidence an understanding of the services currently in place. (non-Smart Survey response)

SASW noted:

To justify such expenditure there would need to be a detailed costing plan, and a robust evidence base to reinforce the benefit of introducing these measures. (SS ID: 204238304)

A recurring theme was that, while costs would be incurred by the proposed bill, this would be offset by the positive changes it would create and savings achieved, due to the prevention of abuse. One anonymous respondent stated:

The benefits outweigh the cost. The current cost of re-offenders being brought before the courts and victims being treated repeatedly by our NHS should lessen with the introduction of this bill. So the costs essentially could be transferred from the "fixing" to the "prevention". (SS ID: 198419896)

No Feart Community Interest Group shared the view that it would be more costly not to take action to prevent domestic abuse stating:

We think the costs are more if we don't do anything to prevent domestic abuse further. Costs to the mental health services, physical health requiring medication due to unresolved abuse and trauma costs far more than preventative measures. (SS ID:203445460).

No overall change in costs

Some respondents who selected this option commented that they were unsure what the cost impact of the proposed bill would be, or simply stated that they did not think it would have a significant financial impact. As above, some respondents considered that any costs would be offset by long-term benefits. For example, Shetland Women's Aid stated:

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. If we get systems right we could reduce cost to the economy long term by reducing perpetrators behaviours and cost to us all. (SS ID: 204247856)

Decrease in costs

Again, respondents considered that the introduction of a register and improved monitoring could lead to long-term savings for the NHS and the public sector. For example, Brodie's Trust stated:

We believe tackling domestic violence actually reduces costs overall – to councils for housing, repairs caused by attacks, to the NHS both in terms of treatment for injuries and the mental health impact of being abused or witnessing abuse. (SS ID: 198472014)

Another anonymous respondent made the case that:

Prevention is better than cure. If done in a holistic way with police, courts, public sector and private sector working in partnership, less intervention possibly means less costs to health sector work, housing etc. (SS ID: 204087818)

Question 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.

Ninety respondents (36% of the total) answered this question. There were no tick-box options for this question, the comments made by respondents are summarised below.

The Scottish Association of Social Work emphasised the importance of engaging with different groups to hear their views on any proposed changes:

SASW welcomes the aim of the proposed Bill to address the needs of people from marginalised communities, and improve access to services, creating greater equality. We advocate for the close involvement of diverse groups in the planning, creating and evaluation of new legislation and processes designed to improve their situation. (SS ID: 204238304)

A number of respondents highlighted that as domestic abuse is prevalent across all groups in society the proposed bill would not have a particular impact on certain groups of people. One anonymous respondent stated it:

Should make no difference if we are to be truly fair and inclusive. An abuser is an abuser and a victim is a victim. (SS ID: 204087818)

Similarly, another individual respondent set out that:

Attempting to break down the effect of this abuse on different sectors of society is irrelevant, as ANYONE can find themselves a victim of domestic abuse. (Clare Hamilton-Lumsden, SS ID: 201033064)

With regard specifically to the measure relating to the collation and reporting of data, a concern was raised that this would lead to:

the demonisation of any group that is over-represented in the statistics. (SS ID: Anonymous, 198506226)

Gender

Many respondents commented that women are more likely to be victims of domestic abuse, and therefore would be more likely to benefit from the proposed bill. In noting this, some respondents commented on the

intersectionality between domestic abuse, gender and other protected characteristics:

Women are primarily the victims of domestic abuse - over 90%. However, within the sex class of women, those who have disabilities, are pregnant or otherwise vulnerable are more likely to suffer violence. (Linda Semple, SS ID:198422687)

Scottish Women's Aid shared the view that multiple inequalities can lead to an increased likelihood of abuse:

Domestic abuse is a highly gendered crime, and women and children are not homogenous populations. Disabled children and women, those with no recourse to public funds, trans-gendered women, Roma women and children--all these and more will experience increased abuse and decreased access to safety and to support services. We have obligations under UNCRC⁷, CEDAW⁸, the Istanbul Convention, ICESCR⁹ to address these wholesale human rights violations experienced by some many of Scotland's people. The potential benefits of the proposed law would disproportionately affect those with protected characteristics and the potential unintended negative consequences would also disproportionately affect the same populations. (SS ID: 203933153)

Although much focus was placed on female victims, some respondents highlighted that men can also be subject to domestic abuse:

I think it will be important to ensure that male 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. (Anonymous, SS ID:201103495)

AMIS (Abused Men in Scotland) noted that, in relation to access to support services, male victims of domestic abuse are "grossly underserved".

⁷Footnote by NGBU for information: United Nations Convention of the Rights of the Child <https://www.unicef.org.uk/wp-content/uploads/2016/08/unicef-convention-rights-child-uncrc.pdf>

⁸Footnote by NGBU for information: Committee on Elimination of Discrimination Against Women <https://www.ohchr.org/en/treaty-bodies/cedaw>

⁹ Footnote by NGBU for information: International Covenant on Economic Social and Cultural Rights <https://www.ohchr.org/en/instruments-mechanisms/instruments/international-covenant-economic-social-and-cultural-rights>

AMIS thinks it likely that females and males who identify as an individual with any of the 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. (SS ID: 204397972)

Another concern raised was that the proposal may unfairly impact women who have domestic abuse convictions “when in fact they have used violent resistance.” (Edinburgh Women’s Aid, SS ID:204310406)

Race and religion

Some respondents made reference to the proposed measures aimed at improving access to domestic abuse services for underrepresented communities. Amina (Muslim Women's Resource Centre) stated:

The bill can have an impact on BME communities especially if there will be a requirement to capture data around BME women and domestic abuse. BME women are the still most marginalised in Scotland and we would welcome any law that can further the equalities of BME women in Scotland. (SS ID: 203987831)

It was noted that people of certain religions or cultures may be less likely to engage with support services and hoped that the proposed bill could lessen his issue. (Naveed Asghar, SS ID:204433494)

Disability

As well as the responses highlighted above focussing on the intersectionality of multiple inequalities in relation to domestic abuse, some respondents considered that domestic abuse may have a disproportionate impact on disabled people. For example, Fiona Bannatyne stated:

disabled women are often adversely affected by domestic abuse as they may have fewer means of accessing escape due to lower income, not working or being physically unable to leave the home. (SS ID: 203761176)

Question 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?

Seventy-nine respondents (32% of the total) answered this question. There were no tick-box options for this question, the comments made by respondents are summarised below.

While a number of respondents simply commented that they expected the proposed bill to have little or no impact on sustainability, many took the view that there would be a positive impact.

It was suggested by several respondents that the proposed Bill could contribute towards a more fair and just society for current and future generations, with the potential benefit to the lives of children. An anonymous respondent commented:

This law could have a positive impact on society. It could improve the mental health of those being abused as well as their families. It could improve educational attainment of any children living in an abusive household. (SS ID: 201438342)

Another respondent thought that helping children who grow up witnessing abuse could prevent a cycle of abuse across generations:

I believe it is particularly important for children to be brought up in non-abusive environments, for example evidence shows that boys who witness violence at home will be more likely to abuse themselves. (Anonymous, SS ID: 203885842)

Irene Krsmanovic was of the view that the proposed bill would also play an important role in protecting mental health as well as physical health:

It can only be a positive for creating a strong, healthy and just society for future generations. Educating the young will build knowledge, resistance and resilience.... It will protect physical but most importantly mental ill health and particularly preventing PTSD. (SS ID: 201533393)

However, both Caithness and Sutherland Women's Aid and Edinburgh Women's Aid Ltd, voiced concern that the proposed bill could have a detrimental impact on victims of domestic abuse: Caithness and Sutherland Women's Aid stated that it did not:

believe that this law would have a positive impact at all, it would be under funded like most laws and create more unnecessary pain and

suffering to those who experience domestic abuse. (SS ID: 202813124)

Edinburgh Women's Aid stated:

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, this would impact negatively on the aim of a just society for future generations. (SS ID 204310406)

Other concerns raised included the potential environmental and financial impacts of the proposed bill:

The administration of this reporting system would involve people, offices, computers etc. that all carry their own cost in terms of environmental impact and of course the financial cost would pull money away from other budgets with whatever ramifications that may carry. (Anonymous SS ID:198506226)

Shetland Women's Aid noted that the proposal's sustainability would be dependent upon "the accompanying education around it to help put it in its proper context. (SS ID: 204247856)

Question 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)?

Ninety respondents (36% of the total) answered this question. There were no tick-box options for this question, the comments made by respondents are summarised below.

The majority of respondents reiterated their support for or opposition to the proposal or stated that they had no further comment to add. Where points made in response to this question have been covered in detail elsewhere in the document they are not repeated below.

Some respondents suggested that other actions should be taken – either instead of, or in addition to what is set out in the consultation document – in order to tackle domestic abuse. For example, an individual respondent, Irene Krsmanovic stated:

This is only a very small part of what still needs to be done to prevent domestic abuse. Reforming and overhauling family court, preventing abusers cross examining their victims and educating sheriffs is desperately needed. (SS ID: 201533393)

Edinburgh Women's Aid Ltd also suggested alternatives actions:

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. This could link to Police Scotland MATAC (multi agency tasking and co-ordinating) for high-risk serial perpetrators. (SS ID:204488012)

It was noted that careful thought should be given to how the proposed bill will be implemented, particularly in relation to the register and rehabilitation elements. For example, Networking Key Services Ltd was of the view that “the idea of register and mandatory obligations on service providers will improve situation in Scottish society” but went on to note:

we need to be very thorough about the criteria used to put people on register and for how long and if rehabilitation measures have been used. Also, how is domestic violence evidenced. Once on register it can have long term impact on an individual’s life (and they could be totally innocent) (SS ID: 202802456)

Dogs Trust called for pet abuse to be taken into consideration as part of the proposed bill, stating:

Dogs Trust recommends implementing a broader remit of case reporting to understand the prevalence of animals involved in domestic abuse cases. Question 22 of Police Scotland’s Domestic Abuse Questions asks whether perpetrators have ever mistreated an animal or the family pet, and the Bill should ensure that any history of pet abuse alongside domestic abuse is reported effectively in line with this. (SS ID: 203899500)

Other points made included that:

1. Specific training may be needed for those (e.g. police officers) implementing the bill's provisions (Anonymous, SS ID:201558493)
2. Concerns that a perpetrator of domestic abuse being able to change their name and thus, circumvent the measures set out in the proposed bill. (Satbir Kaur Gill, SS ID:204156315)
3. Domestic abuse must be defined correctly and accurately in the proposed bill. (Satbir Kaur Gill, SS ID:204156315)
4. Specific steps could be taken in relation to repeat offenders, for example tagging and curfews. (Anonymous, SS ID: 198436038)

Section 4: Member's Commentary

I would like to start by thanking everyone who took the time to respond to the consultation for the Domestic Abuse (Prevention) (Scotland) Bill. The thoughtful input and detailed feedback that so many respondents provided will be key to fine-tuning the final proposals I will be lodging.

An overarching theme throughout the consultation responses has been the strength of feeling people have on the issue of domestic abuse. Many respondents to the consultation knew of friends or family members who had been affected by this issue, and some had experienced domestic abuse themselves. Throughout so many of these responses, it was clear that people see tackling domestic abuse as something that should be a top priority within the Scottish Parliament.

This was also evident throughout the numerous meetings held with a wide variety of domestic abuse organisations, both during the consultation period, and in the lead-up to it.

To this end, I am encouraged to see such strong overall support for the measures outlined in my draft proposal. 86% of respondents were either fully or partially supportive of the draft proposal overall, and while support was lower among organisations who responded, there was still clear majority support (66%) amongst this group.

But while there is clear overall support for changes to the law in this area, these must be made in the most effective way possible. I will therefore set out the changes I intend to make to my draft proposals, taking each section of the Bill in turn.

Creation of a Domestic Abuse Register

This is the key measure outlined in my draft proposal and is one which received high levels of overall support, at 89%. I acknowledge that a number of concerns have been raised about how such a register would operate, which include the potential resource cost of maintaining the register, as well as the possibility of the register 'over-reaching' in scope, and proving to be a disproportionate punishment for, for example, victims of domestic abuse who end up on the register because they decided to retaliate.

I will be proceeding with this part of my draft proposal, but in light of concerns such as this it is my intention to take a more targeted approach with the domestic abuse register. This will most-likely mean that the bar is raised so that those who have committed serious offences are included on the list and not those who have minor offences due to retaliating against abusive behaviour. A more targeted approach such as this will significantly reduce the chances of the register over-reaching in practice and would have a much lower total resource cost.

Introduction of mandatory rehabilitation measures

This aspect of my draft proposal also received strong overall support from respondents, with 85% stating they were at least partially supportive of the introduction of mandatory rehabilitation measures. However, several organisations raised some constructive concerns on this section of the proposed Bill.

These ranged from concerns that mandatory rehabilitation, particularly in the form of anger management courses, would not be effective against a large number of domestic abuse perpetrators, to more general concerns about potential resource cost.

In light of these concerns, which I also heard in-person during pre-consultation meetings, I will be proposing that rehabilitation is mandatory only where a risk assessment indicates that it would be an effective measure in that particular instance. I do not intend to proceed with mandatory rehabilitation that takes the form of anger management classes.

Several organisations spoke highly of existing rehabilitation programmes, such as the Caledonian System. But the availability of these programmes is inconsistent across different areas of Scotland, and so a key aim of this section of my proposed Bill would be to ensure an effective programme of rehabilitation is available in all areas of the country, to end the 'postcode lottery' that currently exists where some people can access effective services but others sadly miss out, purely because of where they live.

Mandatory reporting requirements on the Scottish Government

83% of respondents were at least partially supportive of this aspect of my proposal. Some constructive concerns were raised regarding this aspect of the proposed Bill, such as how this would build on the existing obligations on service providers to collect various type of data on domestic abuse.

I will be proceeding with this aspect of my proposals as set out in the consultation. As the proposed Bill progresses, we will continue to strengthen these proposals so that it is clear exactly how these reporting requirements will connect with the measures included in other parts of the proposed Bill.

But I believe that the improvements in data collection that this part of the proposed Bill would facilitate would be a key strand of this proposed Bill and would help to improve understanding of how domestic abuse affects different demographics, and what more can be done to tackle this. A one size fits all approach does not work when it comes to domestic abuse, and this measure would go some way towards accepting this.

Mandatory domestic abuse education

Throughout numerous pre-consultation meetings with domestic abuse organisations, this was one aspect of my proposals which consistently received very strong support, and I am pleased to see this confirmed by the consultation itself, in which 94% of respondents were supportive of this proposal.

I intend to proceed with this aspect of my proposals, but I am happy to respond to some of the constructive feedback that was raised by some respondents, which included concerns around the effect this type of education could have on some pupils, and how this would interact with existing programmes such as Equally Safe at School. Some of these programmes are reportedly doing good work on this issue, though they are not yet available in every part of the country.

My Bill would legislate to ensure that a programme of education on domestic abuse is in place in all Scottish schools. However, in the case of vulnerable pupils, such as those who risk becoming retraumatised by learning about this topic in school, I would explore the possibility of being able to opt out of these lessons.

In line with suggestions from several organisations, these classes would be designed and implemented with the guidance of experts in this field, in conjunction with teachers, to ensure this integrates as well as possible with a schools' wider curriculum. Where possible, this could be done by building on existing domestic abuse education programmes and make them available in every school in the country.

In conclusion, I believe that my consultation shows there is a clear appetite, both amongst the general public and within domestic abuse organisations, for more to be done to tackle domestic abuse. The measures outlined in my draft proposal have received a strong initial backing and following the various points of constructive feedback I have received, I am determined take forward the most effective Bill possible if I am able to secure the cross-party support that is required.

I would like to end by thanking everyone who has supported me in taking my proposals to this stage, including the Scottish Parliament's Non-Government Bills Unit, and my parliamentary team who have been instrumental in allowing things to progress to this point.

Annexe

Organisational responses

Name	Reference
AMINA	203987831
Abused Men in Scotland (AMIS)	204397972
Anonymous organisation	200178216
Anonymous organisation	201373896
Association of Indian Organisations	204006370
Brodies Trust	198472014
British Transport Police	204345317
Caithness & Sutherland Women's Aid	202813124
Committed to End Abuse	204139291
Dogs Trust	203899500
Edinburgh Women's Aid	204310406
FGH	204330767
Financial Domestic Abuse	202628084
Justices Services for Adults (Edinburgh Council)	(Non-Smart Survey response)
Law Society of Scotland	(Non-Smart Survey response)
Networking Key Services	202802456
No Feart	203445460
Pakistan Social Club Scotland	204439520
Scottish Association of Social Workers	204238304
Scottish Courts and Tribunal Service	(Non-Smart Survey Response)
Scottish Iraqi Association	203971026
Scottish Women's Aid	203933153
Scottish Women's Rights Centre	204411382
Shetland Domestic Abuse Partnership	204334676
Shetland Women's Aid	204247856
Victim Support Scotland	204488012
Women's Aid Orkney	202814675

Individual responses

Name	Reference
Asghar, Arisha	204418337
Asghar, Naveed	204433494
Asghar, Zoya	204383644
Ashar, Waheed	204436689
Bannatyne, Fiona	203761176
Bryan	198704542
Cameron, Alys	200954236
Cameron, Kirsty	201561336

Cameron, Vicki	201899813
Campbell, Shelagh	203972347
Chaal, Canice	203220046
Chalmers, Joan	203198162
Clayton, Stephen	203402610
Clark, Ainsley	204078858
Coulter, Vikki	203977111
Crombie, Andrew	204079155
Davidson, Angela	203884088
Dawson, Jennifer	201107631
Dawson-Swift, Dionne	203995811
Dixon, Angela	203204264
Dowie, Cheryl	204202072
Edwards, Gordon	199626044
Fairley, Robyn	201239879
Fawcett, Roger	203377852
Gillespie, Katie	204126203
Gray, Jason	198422315
Gatenby, Mary	203771241
Haider, Saira Kamal	203483532
Hale, Daniel	201065842
Hameed, Faten	203969268
Hamilton, Tonilee	201953846
Hamilton Lumsden, Clare	201033064
Holmes, Brian	204189351
Inglis, Fiona	203385651
Jain, Madhu	203472088
Kaur Gill, Satbir	204156315
Kellet, Wendy	202107317
Kennedy, Gillian	203675320
Khan, Farah	203203355
Khullar, Adarsh	203684585
Krsmanovic, Irene	201533393
Lawrence, Jackie	204189383
Lawrence, Martin	204197204
Lindsay, Margaret	198610165
MacKenzie, Isabelle	203197890
Mackie, Pauline	201544309
MacMillan, Lorna	203396252
Malhotra, Kailash	204102190
Malhotra, Santosh	204267744
McGill, Wendy	204081552
McNeill, Paula	204364084
Morgan, Erica	201635934
Muir, Andrew	204288754
Natt, Kamalpreet	203792925
Nottay, Rashpal	201687258
Oboh-Macleod, Josephine	204007745

Page, Sally	203997062
Paterson, Maxine	203189477
Perrins, Olly	198439936
Pirone, Julie	204304849
Purewal, Kulraaj	203191654
Robertson, Grazia	200323241
Rocks, David	204194673
Romine, Lester	201615415
Russon, Kim	201104253
Sandhu, Suzy	202104492
Scott, Elaine	204055440
Semple, Linda	198422687
Siegel, Susan	203977007
Singh Cheema, Harpreet	204085348
Waseem, Mohammad	204441505
Watson, Gillian	201747905
Whitefield, Morag	204195236
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