<table>
<thead>
<tr>
<th>Written Submissions</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Aberdeenshire Council</td>
</tr>
<tr>
<td>2. City of Edinburgh Council</td>
</tr>
<tr>
<td>3. Crown Office and Procurator Fiscal Service</td>
</tr>
<tr>
<td>4. Dumfries and Galloway Council</td>
</tr>
<tr>
<td>5. East Ayrshire Council</td>
</tr>
<tr>
<td>6. Highland Violence Against Women Partnership</td>
</tr>
<tr>
<td>7. NHS Western Isles</td>
</tr>
<tr>
<td>8. North Ayrshire Council</td>
</tr>
<tr>
<td>9. Police Scotland</td>
</tr>
<tr>
<td>10. Scottish Borders Violence Against Women Partnership</td>
</tr>
<tr>
<td>11. Scottish Courts and Tribunals Service</td>
</tr>
<tr>
<td>12. Scottish Legal Aid Board</td>
</tr>
<tr>
<td>13. Scottish Women’s Aid</td>
</tr>
<tr>
<td>14. South Lanarkshire Council</td>
</tr>
<tr>
<td>15. Stirling Council</td>
</tr>
<tr>
<td>16. Victim Support Scotland</td>
</tr>
</tbody>
</table>
Scottish Parliament Finance and Constitution Committee

Call for Evidence on Domestic Abuse (Scotland) Bill Financial Memorandum

Response from Aberdeenshire Council

This questionnaire is being sent to those organisations that have an interest in, or which may be affected by, the Domestic Abuse (Scotland) Bill’s Financial Memorandum (FM).

In addition to the questions below, please add any other comments you may have which would assist the Committee’s scrutiny of the FM.

Consultation

1. Did you take part in any consultation exercise preceding the Bill and, if so, did you comment on the financial assumptions made?

Yes and comment was made regarding the financial implications in terms of time and resources to respond to what will arise out of the new legislation.

2. If applicable, do you believe your comments on the financial assumptions have been accurately reflected in the FM?

To an extent, the specifics around the implications for the community justice partners are referred to but wider implications for victim and children and families service providers is given less reference.

Costs

4. If the Bill has any financial implications for your organisation, do you believe that they have been accurately reflected in the FM? If not, please provide details.

The financial implications that have been reflected for the Local Authority and specifically criminal justice social work relate to the increase in Community Payback Orders that may come as a result of the Bill. Linked to this would be the increase in CJSWR requests at pre sentence stage and assessments for the Caledonian System, which also incurs an increase in the demand for support from the Women’s Service (relating to Victim Safety). The potential for an increased demand on programmatic work could impact on staff resources, thereby adding another potential cost which has not been considered in the financial memorandum, although it is accepted the projected estimates of increased workload are relatively small. However, should sentencers respond to the increase in domestic abuse related offences coming before the Courts, there may well be a significant increase in requests for reports and also consideration of the requirement for supervision and access to programmes which address “lower” tariff offending behaviour. In terms of early intervention, this is good. Consideration of the potential increase in demand for services for adults who are the subject of the domestic abuse offence both statutory and third sector.
Due to the known impact of domestic abuse on children and young people there is likely to be an increase in Police Concern Reports to be dealt with by children's services by way of either investigation or intervention and indeed, potential for an increase in referrals to the Reporter on the grounds of the child/YP being the subject of domestic abuse. These have similar financial implications in terms of process and staffing.

Alternatives to prosecution such as diversion, fiscal work orders and also potentially costs associated with Bail Supervision would again have financial implications in terms of staffing and resources.

5. Do you consider that the estimated costs and savings set out in the FM are reasonable and accurate?

They are reasonable and accurate in respect of the increase to CPO's, but do not consider the associated costs, as detailed above.

6. If applicable, are you content that your organisation can meet any financial costs that it might incur as a result of the Bill? If not, how do you think these costs should be met?

It is anticipated that our organisation would be able to meet the financial costs that would incur as a result of the Bill, although this would require ongoing assessment as the Bill is introduced and Court proceedings and disposals arise. Annual reporting to Community Justice Scotland would ensure that impact is monitored. National oversight may be achieved through CJS as local partnerships feed in any observations around trends, sentencing patterns and data collection.

7. Does the FM accurately reflect the margins of uncertainty associated with the Bill's estimated costs and with the timescales over which they would be expected to arise?

It does and it is acknowledged that there are such uncertainties.

8. Do you believe that the FM reasonably captures any costs associated with the Bill? If not, which other costs might be incurred and by whom?

The Financial Memorandum does not consider the implications around the suitability of current programmatic work available to men convicted of offences of domestic abuse. Should the current programmes be unsuitable, or unable to address the needs and risks relating to conviction under the new Bill, then new programmes will need to be developed or identified. There will be costs associated with this which are not included in the current FM.

The costs projected in the FM mainly concern the criminal justice department of a Local Authority, but there would be a number of other services which could be impacted, namely Domestic Abuse and Children and Families services. Costs and implications for these services have not been considered.
9. Do you believe that there may be future costs associated with the Bill, for example through subordinate legislation? If so, is it possible to quantify these costs? Any further fall out – in terms of policy and legislative changes (housing provision, civil court action for child contact, matrimonial proceedings, legal aid requests) will have financial implications again in the shape of staffing and resources should there be a demand for services in this area and policy is amended to meet the demand. Difficult to quantify.

Criminal Justice Social Work, 20.4.17
Scottish Parliament Finance and Constitution Committee
Call for Evidence on Domestic Abuse (Scotland) Bill Financial Memorandum
Response from City of Edinburgh Council

This questionnaire is being sent to those organisations that have an interest in, or which may be affected by, the Domestic Abuse (Scotland) Bill’s — Financial Memorandum (FM).

In addition to the questions below, please add any other comments you may have which would assist the Committee’s scrutiny of the FM.

Consultation

1. Did you take part in any consultation exercise preceding the Bill and, if so, did you comment on the financial assumptions made?

Yes, we took part, but we did not comment on the financial assumptions made. We welcome the change in legislation to reflect more accurately the reality of domestic abuse; i.e. that it involves psychological abuse and controlling behaviours as well as physical violence.

2. If applicable, do you believe your comments on the financial assumptions have been accurately reflected in the FM?

Not applicable.

3. Did you have sufficient time to contribute to the consultation exercise?

Yes.

Costs

4. If the Bill has any financial implications for your organisation, do you believe that they have been accurately reflected in the FM? If not, please provide details.

There are several financial implications for our organisation, which are not reflected in the FM. These are related to the increase in reports to Police Scotland.

Criminal justice social work
An increase in reports from Police Scotland, in cases marked for prosecution and in subsequent prosecutions in court will increase the number of reports at the assessment stage, and the number of community penalties and referrals to our court mandated perpetrator programme: the Caledonian System.

Social care direct
Police Scotland refers all domestic abuse police call outs where there are concerns about children in the household to Social Care Direct – the Council’s intake service. These already represent a third of referrals to social work. An increase in concern forms will add to the number of assessments dealt with by Social Care Direct. A
professional advisor reviews each case and makes initial phone contact with relevant service users and professionals.

Named person
Where appropriate, domestic abuse concerns for school aged children are sent to the named person – the head teacher or guidance teacher. The named person may gather more information or have a child case planning meeting. Additional referrals will increase the resources related to these interventions.

Social work area teams
Where appropriate, Social Care Direct assigns child concerns to a neighbourhood social work team who may allocate the case to a social worker. An increase in referrals from Police Scotland will result in more assessments, visits, reports and case conferences.

Housing and homelessness
More victims may choose to leave their partner and their current accommodation, or request measures to make their home more secure. This will result in more presentations to Housing/Homelessness Services and an increase in requests for home safety measures and temporary accommodation.

Training
The Bill will result in the need to raise awareness of the legislative changes and make amendments to current domestic abuse training. This will require additional staff time.

Commissioned services
Increased societal recognition of the controlling and psychological aspects of domestic abuse is likely to result in more referrals to specialist domestic abuse services commissioned by the Council. This will result in increased pressure on these limited resources.

5. Do you consider that the estimated costs and savings set out in the FM are reasonable and accurate?

The FM does not take account of the fact that the cost of a Caledonian Community Payback Order (CPO) will be significantly more than the average cost of a CPO. It is likely that these orders will increase after the Bill.

6. If applicable, are you content that your organisation can meet any financial costs that it might incur as a result of the Bill? If not, how do you think these costs should be met?

As outlined, the additional costs associated with the changes in legislation will result in an increased demand on local authority services. Scottish Government should consider how to increase the allocated resources to meet these demands.

7. Does the FM accurately reflect the margins of uncertainty associated with the Bill’s estimated costs and with the timescales over which they would be expected to arise?
Yes.

**Wider Issues**

8. Do you believe that the FM reasonably captures any costs associated with the Bill? If not, which other costs might be incurred and by whom?

Increased societal recognition of the controlling and psychological aspects of domestic abuse is likely to result in more referrals to specialist domestic abuse services, such as Women’s Aid, as well as to local authority services. These are not reflected in the FM.

9. Do you believe that there may be future costs associated with the Bill, for example through subordinate legislation? If so, is it possible to quantify these costs?

It is difficult to estimate with accuracy future costs associated with the Bill.
Consultation

1. Did you take part in any consultation exercise preceding the Bill and, if so, did you comment on the financial assumptions made?

Yes, the Crown Office and Procurator Fiscal Service (COPFS) was consulted on the terms of the Financial Memorandum insofar as those related to the potential cost to COPFS of the creation of an offence of domestic abuse as proposed within the Domestic Abuse (Scotland) Bill (“the Bill”). COPFS submitted a written contribution to Scottish Government officials setting out the predicted cost to COPFS and engaged with officials on the terms of that contribution.

2. If applicable, do you believe your comments on the financial assumptions have been accurately reflected in the FM?

Yes, representations made by COPFS are accurately reflected in the FM.

3. Did you have sufficient time to contribute to the consultation exercise?

Yes, COPFS was given sufficient time to prepare its contribution.

Costs

4. If the Bill has any financial implications for your organisation, do you believe that they have been accurately reflected in the FM? If not, please provide details.

Yes, as noted above, representations made by COPFS on the anticipated financial impact to COPFS of the creation of the proposed offence are accurately reflected in the FM.

5. Do you consider that the estimated costs and savings set out in the FM are reasonable and accurate?

The prosecution of domestic abuse is a significant area of business for COPFS. The table below contains information previously published by COPFS on the number of domestic abuse charges reported and the initial marking decisions made:

<table>
<thead>
<tr>
<th>Year</th>
<th>Court</th>
<th>Direct Measures</th>
<th>No Action</th>
<th>No Decision</th>
<th>Reporter</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>2015/16</td>
<td>29,556</td>
<td>825</td>
<td>3,280</td>
<td>723</td>
<td>36</td>
<td>34,420</td>
</tr>
<tr>
<td>2014/15</td>
<td>31,373</td>
<td>733</td>
<td>3,900</td>
<td>638</td>
<td>23</td>
<td>36,667</td>
</tr>
<tr>
<td>2013/14</td>
<td>31,179</td>
<td>624</td>
<td>3,974</td>
<td>749</td>
<td>26</td>
<td>36,552</td>
</tr>
<tr>
<td>2012/13</td>
<td>20,902</td>
<td>1,155</td>
<td>4,717</td>
<td>299</td>
<td>28</td>
<td>27,101</td>
</tr>
<tr>
<td>2011/12</td>
<td>20,673</td>
<td>1,358</td>
<td>4,751</td>
<td>58</td>
<td>19</td>
<td>26,859</td>
</tr>
</tbody>
</table>
As identified within the FM, there is a relatively high level of uncertainty in terms of providing an exact estimate of costs of the introduction of the proposed offence (para 30).

Four areas of anticipated costs to COPFS have been identified:

1. Additional reports submitted to COPFS by the police for consideration and prosecution (paras 18-46 of FM);

   In addition to receiving reports from the police of the new offence, it is also predicted that COPFS will see an overall increase in reports from the police relating to domestic abuse in general.

   The drivers of increased reporting will come from a number of sources including publicity around the new offence and professionals working in this area (including police, prosecutors and agencies providing support, services and advocacy to victims) raising awareness and confidence of victims in the criminal justice system’s ability to effectively respond to victims of domestic abuse.

   It is difficult to quantify the impact of the proposed offence on reporting of domestic abuse. The methodology adopted within the FM makes use of the results of a consultation with victims in England and Wales prior to the introduction of an offence criminalising coercive control within that jurisdiction, to estimate the increase in reporting that similar legislative reform might trigger amongst a similar pool of victims. This appears to be an appropriate and reasonable methodology to identify a central estimate on the impact of the proposed offence – 6% increase in reporting.

   It is however appropriate to acknowledge that the actual impact of the introduction of the new offence on could potentially be significantly greater leading to a greater financial impact for COPFS.

2. Change in forum of prosecution for existing cases (paras 57-66 of FM);

   There are two potential reasons that the introduction of the proposed offence might impact on forum choice for existing cases involving domestic abuse:

   - firstly, the ability to libel offending in relation to patterns of coercive control and psychological abuse may, in some cases, aggravate existing criminal conduct normally prosecuted on summary complaint to the extent that it is appropriate to prosecute on indictment before a Sheriff and Jury;
   - secondly, the scope of the proposed offence means that it will be possible for prosecutors to libel within a course of conduct, serious violence or sexual offending that could otherwise currently not be prosecuted because of a lack of corroboration, this may, in some cases, aggravate existing criminal conduct prosecuted at Sheriff and Jury level to the extent that it is appropriate to prosecute at the High Court.

   It is extremely difficult to quantify the number of existing cases in which forum choice is likely to be affected. The methodology adopted within the FM is based on a previous COPFS analysis of the number of existing cases which have been identified as potentially involving ‘intimate terrorism’ and therefore likely to involve a course of controlling/coercive behaviour which would potentially be prosecutable under the proposed offence. The FM has estimated that 5% of those cases which are currently
prosecuted at summary level might be elevated to Sheriff and Jury and another 5% of those cases which are currently prosecuted at Sheriff and Jury level might be elevated to High Court.

We would emphasise that whilst we are of the view that this estimate is reasonable, it must be treated with caution and be appropriately caveated insofar that the actual impact of the introduction of the proposed offence on forum choice could potentially be significantly greater leading to a greater financial impact for COPFS.

3. Increase in complexity of existing cases (paras 67-69 of FM);

It is likely that there will also be a cost associated with the increase in complexity of prosecuting those cases identified as involving ‘intimate terrorism’ even where forum of prosecution is unaffected and they remain to be prosecuted at a summary level. Increased complexity will arise where prosecutors are able to libel wider forms of abuse (e.g. financial or psychological abuse) as part of a course of conduct. This may lead to increased costs arising from factors such as the requirement for greater preparation and costs associated with citing additional witnesses and conducting lengthier trials. This has been estimated at 5%.

Again whilst we are of the view that this estimate is reasonable, it must be treated with caution and be appropriately caveated insofar that the actual impact of the introduction of the proposed offence on the complexity of existing summary cases could potentially be significantly greater leading to a greater financial impact for COPFS.

4. Training costs (para 75).

In contrast to 1 to 3 above, this cost can be accurately forecast. These costs are not annually recurring and will be met in year one.

6. If applicable, are you content that your organisation can meet any financial costs that it might incur as a result of the Bill? If not, how do you think these costs should be met?

The anticipated costs to COPFS as identified in the FM are itemised below:

<table>
<thead>
<tr>
<th>RECURRING ANNUAL PROSECUTION COSTS</th>
<th>Estimated Cost to COPFS</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Cost type</strong></td>
<td></td>
</tr>
<tr>
<td>A. New cases marked and prepared for prosecution</td>
<td></td>
</tr>
<tr>
<td>I. Domestic abuse previously unreported to police</td>
<td>£1,357,354</td>
</tr>
<tr>
<td>B. Existing cases</td>
<td></td>
</tr>
<tr>
<td>I. Change in forum</td>
<td>£1,362,773</td>
</tr>
<tr>
<td>II. Increase in complexity</td>
<td>£76,937</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td>£2,797,064</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>INCIDENTAL COSTS</th>
<th>Estimated Cost to COPFS</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Cost type</strong></td>
<td></td>
</tr>
<tr>
<td>C. Training</td>
<td>£45,874</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td>£45,874</td>
</tr>
</tbody>
</table>
COPFS is committed to absorbing reasonable costs associated with new legislation. The additional cases to be prosecuted, together with the increased complexity and seriousness of such cases, will make it very challenging, within the current budget settlement or a flat-cash budget going forward, to absorb the predicted annual recurring costs associated with the proposed offence which have been estimated at around £2.8 million per year. COPFS will, however, keep the matter under review as the legislation is implemented and take steps to address the cost of implementation with the Scottish Government should the impact be greater than expected. It will not be possible to absorb the costs without significant changes to other areas of practice if the COPFS budget is reduced in cash terms beyond 2017.

7. Does the FM accurately reflect the margins of uncertainty associated with the Bill’s estimated costs and with the timescales over which they would be expected to arise?

We would refer to our answer to question 5 above; a number of estimates and assumptions have been made in order to forecast the financial impact to COPFS of the creation of the proposed offence and we have commented on those within that answer.

In addition to the points made in our answer to question 5, we would also emphasise that the proposed offence involves a course of conduct. It is therefore unlikely that the full impact of the introduction of the legislation will be realised immediately. It will take some time for the more complex and lengthy examples of the patterns of abusive behaviour that can be prosecuted under the proposed legislation to progress through the system – it may be many months, or perhaps longer, before we see any High court level prosecutions under the proposed legislation. For example we will not see a year-long pattern of abuse being prosecuted under the offence until at least a year has passed following its commencement.

Anticipating and measuring the financial impact of the proposed offence is therefore complex. Its cost in year 1 will not be the same as its cost in years 2, 3, 4 etc.

To reinforce this point, it is useful to acknowledge our experience of the implementation of other similar legislative reform. Our experience from the stalking legislation (s.39 of the Criminal Justice and Licensing (Scotland) Act 2010) has been fairly significant annual increases in reported cases and prosecutions, which we suspect is partly due to publicity and increased awareness of the crime and media reporting of successful prosecutions.

As with the stalking legislation, the actual financial impact of the proposed offence may not be apparent until the numbers of reports and prosecutions reach a plateau which will likely take a number of years.

The costs outlined above at Q.6 therefore represent an estimate of a full year cost based on an assumption that the proposed offence is reported to its full extent. In the first year following implementation, it is reasonable to assume that the costs in that year may be lower than this estimate. This arises because the proposed offence is a course of conduct offence so time will be required to build up a picture of offending post implementation date that can be libelled and prosecuted.

However, notwithstanding this, the proposed legislation is likely to have an immediate impact on the reporting of domestic abuse incidents generally. It is likely that COPFS will face increased costs from day one following commencement but further likely that these will increase significantly year on year as the offence becomes an established tool for police and prosecutors.
The training costs identified in the FM are one off costs which will be met in year one.

Wider Issues

8. Do you believe that the FM reasonably captures any costs associated with the Bill? If not, which other costs might be incurred and by whom?

Insofar as it is possible to anticipate the costs to COPFS, we are satisfied that the FM reasonably captures those.

9. Do you believe that there may be future costs associated with the Bill, for example through subordinate legislation? If so, is it possible to quantify these costs?

Further reform of the criminal justice system may present future costs associated with the implementation of the Bill. It is not possible to quantify such costs but the ongoing Evidence and Procedure Review may result in changes to the process of gathering and presenting the evidence of child and other vulnerable witnesses. This is extremely relevant to the prosecution of domestic abuse as evidenced by the inclusion of a child aggravation within the Bill.

It is also important to highlight that in recent years additional Scottish Government funding has been made available to SCTS and COPFS and has allowed additional courts to be resourced to address concerns over delays in domestic abuse cases calling for trial. 2017-18 is the last scheduled year in which COPFS will receive this additional £950k of funding to support the prosecution of domestic abuse crime. The future of this funding is being considered within Government. If this funding is not available or replaced in 2018-19, COPFS will not be able to sustain the reduction in waiting times to meet the Scottish Government target for the 8-12 week period between custody and trial diet. In April 2015 it had come down to 12.5 weeks and in March 2017 it was at 8.7 weeks. The reduction in this waiting period has resulted in additional work across all locations in Scotland and it has allowed COPFS to successfully manage the additional courts required to bring the waiting period down. The funding has been utilised across a number of areas, and in particular for additional resource.
Finance and Constitution Committee Questionnaire

Response from Dumfries and Galloway Council

This questionnaire is being sent to those organisations that have an interest in, or which may be affected by, the Domestic Abuse (Scotland) Bill’s — Financial Memorandum (FM).

In addition to the questions below, please add any other comments you may have which would assist the Committee’s scrutiny of the FM.

Consultation

1. Did you take part in any consultation exercise preceding the Bill and, if so, did you comment on the financial assumptions made?

Yes, we highlighted that any progress of offence of domestic abuse would require additional resources and could not be accommodated within current funding.

2. If applicable, do you believe your comments on the financial assumptions have been accurately reflected in the FM?

The financial assumptions do not take into account who will be providing the finances.

3. Did you have sufficient time to contribute to the consultation exercise?

Yes

Costs

4. If the Bill has any financial implications for your organisation, do you believe that they have been accurately reflected in the FM? If not, please provide details.

There are financial implications for local authorities in the Bill and there is concern that they have not been accurately reflected in the financial memorandum.

The stated cost of a Community Payback Order (CPO) is an average figure based on 2014/15 report. Domestic Abuse CPOs require more time and resources than average CPOs and therefore the estimated figure needs to be above the average. It does not reflect the additional complexity of ongoing risk assessment and management in complex domestic abuse cases, nor the cost of specifically targeted behaviour change work like that offered by the Caledonian System (which is a “programme requirement” option in CPO), with the cost of the associated essential victim/partner support/protection work.

Not all areas in Scotland are able to deliver the Caledonian Programme at this time and no account is taken of the cost to those local authorities of the cost of delivering an alternative. The Scottish Government will be required to maintain its contributions
to this Programme and support new local authorities introducing the Caledonian Programme.

Also the cost of the production of Criminal Justice Social Work (CJSW) Reports is not reflected in the costing exercise at all. CJSW Reports on domestic abuse cases are more resource intensive than most other reports because of the complexity and additional work required to ensure safety of partners and children and therefore the unit cost of these is higher.

Therefore, there is reference to the cost to local authorities but there may be further Court Reports required which will have significant implications for social work resources.

5. Do you consider that the estimated costs and savings set out in the FM are reasonable and accurate?

Where they are included they reflect those submitted by the Police and COPFS. There is limited reference to other local authority costs including child protection and adult support and protection. These are difficult to quantify but there will be additional costs which will increase due to the legislation.

6. If applicable, are you content that your organisation can meet any financial costs that it might incur as a result of the Bill? If not, how do you think these costs should be met?

We believe it will be difficult for local authorities to meet the financial costs that might be incurred, particularly given the failure to reflect the cost of additional CJSW Reports and the added cost of complexity beyond the average of these types of cases.

The Scottish Government requires to acknowledge that these cases are more complex, require greater resourcing in terms of the risk assessment and risk management of these individuals and offer an appropriate level of resources to meet those demands.

7. Does the FM accurately reflect the margins of uncertainty associated with the Bill's estimated costs and with the timescales over which they would be expected to arise?

The estimated ranges are acceptable and we have no evidence to the contrary.

Wider Issues

8. Do you believe that the FM reasonably captures any costs associated with the Bill? If not, which other costs might be incurred and by whom?

There does not appear to have been cognisance of costs of training for organisations apart from Police Scotland and COPFS. There may be further training required for other agencies (Social Work, Education, and Health) to enable improved recognition
of Domestic Abuse and to help with appropriate responses to victims, perpetrators and children.

9. Do you believe that there may be future costs associated with the Bill, for example through subordinate legislation? If so, is it possible to quantify these costs?

We are not aware of any.
Having reviewed the FM, I am content that the additional costs falling to LA’s are accurately estimated, subject to the increased volumes being an accurate projection. Clearly this is a difficult area to quantify and the estimated increase of 6% seems to be relatively low. Even taking the upper end of estimates at 10%, the financial impact on LA’s appears reasonable in terms of the calculation deployed. It would also be anticipated that increased activity / volumes of community payback orders, etc would result in additional CJ costs which would be met by additional Specific Grant from the Scottish Government.
This questionnaire is being sent to those organisations that have an interest in, or which may be affected by, the Domestic Abuse (Scotland) Bill’s — Financial Memorandum (FM).

In addition to the questions below, please add any other comments you may have which would assist the Committee’s scrutiny of the FM.

Introduction
Please find the response to the consultation questions by the Highland Violence Against Women Partnership, part of the Community Planning structure in Highland, outlined below. Statutory members in the partnership addressing Violence Against Women in Highland are NHS Highland, The Highland Council, the Crown Office and Procurator Fiscal Service, Scottish Prison Service and the Police. These members work in collaboration with a number of third sector organisations on this issue, including Caithness & Sutherland Women’s Aid, Lochaber Women’s Aid, Inverness Women’s Aid, Ross-shire Women’s Aid, Victim Support Highlands and Islands and RASASH.

Gillian Gunn
Violence Against Women Development & Training Manager
Highland Violence Against Women Partnership
27th April 2017

Consultation

1. Did you take part in any consultation exercise preceding the Bill and, if so, did you comment on the financial assumptions made?

Yes, the Highland Violence Against Women Partnership has responded to a number of consultation exercises, but made no specific comments on the financial assumptions.

2. If applicable, do you believe your comments on the financial assumptions have been accurately reflected in the FM?

N/A

3. Did you have sufficient time to contribute to the consultation exercise?

Yes

Costs
4. If the Bill has any financial implications for your organisation, do you believe that they have been accurately reflected in the FM? If not, please provide details.

N/A

5. Do you consider that the estimated costs and savings set out in the FM are reasonable and accurate?

No – we believe that the FM fails to recognise that by increasing capability to hold domestic abuse perpetrators to account we may reduce subsequent offending behaviours and reduce the significant impact that domestic abuse can have on the lives of those who experience it and their children.

There are likely to be savings made to the wider public sector, particularly in the areas of children and families social work, mental health, sexual health, substance misuse, child & adolescent mental health, maternity services, child health services and housing.

Providing further opportunities to engage perpetrators in programmes that aim to reduce domestically abusive behaviours through criminal justice social work and in prisons may also result in their being fewer potential future victims as men work on changing their relationship behaviours.

6. If applicable, are you content that your organisation can meet any financial costs that it might incur as a result of the Bill? If not, how do you think these costs should be met?

N/A

7. Does the FM accurately reflect the margins of uncertainty associated with the Bill’s estimated costs and with the timescales over which they would be expected to arise?

Yes

Wider Issues

8. Do you believe that the FM reasonably captures any costs associated with the Bill? If not, which other costs might be incurred and by whom?

There is the potential that further witnesses may be called from local services in relation to evidencing psychological harm. We predict this will be most likely from mental health services. Routine enquiry of domestic abuse across a number of health settings may result in staff in those areas being called for evidential purposes where at the moment this is less likely to be the case for physical harm. These staff may not necessarily be ‘expert witnesses’ and just witnesses called to provide evidence.

9. Do you believe that there may be future costs associated with the Bill, for example through subordinate legislation? If so, is it possible to quantify these costs?
No, we welcome the new offence of domestic abuse for Scotland and believe that it sends a clear message about our understanding of the dynamics of domestic abuse and makes prosecution of offenders more likely. It is also likely to reduce future costs as harm is reduced and future relationships become less likely to be abusive which reduces costs in a number of public sector areas, including health, criminal justice and housing.
Scottish Parliament Finance and Constitution Committee

Call for Evidence on Domestic Abuse (Scotland) Bill Financial Memorandum

Response from NHS Western Isles

This questionnaire is being sent to those organisations that have an interest in, or which may be affected by, the Domestic Abuse (Scotland) Bill's — Financial Memorandum (FM).

In addition to the questions below, please add any other comments you may have which would assist the Committee’s scrutiny of the FM.

Consultation

1. Did you take part in any consultation exercise preceding the Bill and, if so, did you comment on the financial assumptions made? **No**

2. If applicable, do you believe your comments on the financial assumptions have been accurately reflected in the FM? **NA**

3. Did you have sufficient time to contribute to the consultation exercise? **NA**

Costs

4. If the Bill has any financial implications for your organisation, do you believe that they have been accurately reflected in the FM? If not, please provide details. **NA for NHS— part effect on LA – Criminal Justice which is IJB but minimal**

5. Do you consider that the estimated costs and savings set out in the FM are reasonable and accurate? **NA**

6. If applicable, are you content that your organisation can meet any financial costs that it might incur as a result of the Bill? If not, how do you think these costs should be met? **NA**

7. Does the FM accurately reflect the margins of uncertainty associated with the Bill's estimated costs and with the timescales over which they would be expected to arise? **NA**

Wider Issues

8. Do you believe that the FM reasonably captures any costs associated with the Bill? If not, which other costs might be incurred and by whom? **NA**

9. Do you believe that there may be future costs associated with the Bill, for example through subordinate legislation? If so, is it possible to quantify these costs? **NA**
Consultation
1. Did you take part in any consultation exercise preceding the Bill and, if so, did you comment on the financial assumptions made?
   No

2. If applicable, do you believe your comments on the financial assumption have been accurately reflected in the FM?
   Not relevant

3. Did you have sufficient time to contribute to the consultation exercise?
   Not relevant

Costs
4. If the Bill has any financial implications for your organisation, do you believe that they have been accurately reflected in the FM? If not, please provide details.

The Financial Memorandum captures some of the financial implications for the organisation, particularly relating to Community Payback Orders. There are, however, other financial implications not recognised within the FM for local authorities.

The increase of potentially 2% - 10% cases to court for Domestic Violence will have a direct impact upon our local Multi-Agency Domestic Abuse Response Team responsible for progressing all domestic abuse referrals which could place the existing team (which is already operating at capacity) under additional pressure. There is also likely to be a direct impact upon advocacy teams, such as ASSIST and Woman's Aid and the associated costs that they will have to incur to support those persons harmed under this new criminal offence.

For every domestic abuse case where there are children present, there are a range of protection issues that also need to be considered. For example, will there be an increase in children requiring to be placed on Supervision Requirement Orders or on the Child Protection Register, should the risk of harm require it. For all of these increases in demand there will be a requirement for a Qualified Social Worker to engage with the family and the child and reports and assessments completed. There may also be a need for the access of therapeutic and counselling services from CAMHS or CRISIS and again this would come at a cost.

Much of the work we do locally within North Ayrshire particularly when supporting victims of abuse and their children also relates to Home Security initiatives and Housing Options all of which have associated costs to the Council.
None of these considerations have been made within the FM and could prove to be a significant omission.

Assuming the increase is as anticipated at approximately 6% - we would foresee potential additional costs related to the following –

An additional 3 children per year subject to formal child protection investigation and registration at a cost of approximately £22,000 per child.

An additional social worker required to help process and support victims and children at approximately £40,000 per annum.

Additional home security packages for victims, processing and installation at approximately £10,000 per annum.

Whilst difficult to estimate the potential level of secure remand accommodation that may be required for young people under 18 years of age, even 21 days per year is likely to cost somewhere between £18,000 - £21,000.

Worst case scenario, therefore, could mean costs to the Local Authority of approximately £137,000 per year which the FM takes no account of.

5. **Do you consider that the estimated costs and savings set out in the FM are reasonable and accurate?**

   Where potential costs have been identified and estimated, these appear to be reasonable.

   As outlined above, however, the costs of domestic violence to the public purse extend far beyond the mere processing of perpetrators through the criminal justice system, in particular those costs associated with supporting victims and their children.

6. **If applicable, are you content that your organisation can meet any financial costs that it might incur as a result of the Bill? If not, how do you think these costs should be met?**

   We would have concerns about our ability to meet these additional cost pressures within our existing financial envelope. If some additional money is being made available to other organisations to cover additional estimated costs related to the processing of perpetrators through the criminal justice system, then consideration should be given to ensure that local authorities are funded to adequately support victims and their children.

7. **Does the FM accurately reflect the margins of uncertainty associated with the Bill’s estimated costs and with the timescales over which they would be expected to arise?**
It is our view that where the FM has anticipated areas of cost (such as Community Payback Orders) it accurately reflects the margins of uncertainty associated with estimating what those costs may be.

Wider Issues

8. Do you believe that the FM reasonably captures any costs associated with the Bill? If not, which other costs might be incurred and by whom?

In addition to what has been outlined in answers above, there are concerns about young people 16 - 18 years old who are Subject to Supervision and who may also come under the category as perpetrators, "Controlling or coercive behaviours in an intimate or family relationship".

We have evidence of some young men who would fall within this category and with the enactment of this law would be charged as Children (due to their Supervision Requirement), and prosecuted within the Criminal Justice system. There are a host of supports that these young people will require as designated by the Whole Systems Approach. For all young people under 18 who appear within court, a court note is completed, a Youth Justice Social Worker is physically present within the court to support the young person and where appropriate a secure bed is identified. It is likely that such a young person will have bail conditions not to have contact with the victim (their mother in the majority of cases) and therefore alternative accommodation will need to be sourced and there will likely be a cost associated with this. In the most extreme and complex of situations, there may be the need to provide the court with a secure bed for the young person to complete a sentence given by the court. There is also likely to be an increase in Community Payback Orders for this group.

The cost implications for this for local authorities has been included in the response to question 4.

9. Do you believe that there may be future costs associated with the Bill, for example through subordinate legislation? If so, is it possible to quantify these costs?

It would be hoped that the introduction of any subordinate legislation would be subject to the same consultation processes in place at present. This would allow for specifics to be explored and costs quantified appropriately.

Finally, our experience is that we currently have very few non court mandated services and programmes across Scotland to help perpetrators of domestic abuse to address their offending. There are no prison programmes at all in Scotland and only one programme, Caledonian, for those on community sentences. The common practice of fining perpetrators simply continues to persecute the victim and the children where the family remains together and finance is already limited or controlled by the abusive partner.
Whilst keeping victims safe is our primary concern, we must recognise that perpetrators will go on to develop new relationships and form new families, so they must also be supported to change. As this Bill is likely to increase the number of people convicted for domestic abuse, it may be an opportune time to look at the efficacy of additional validated programmes to effect such change and how this may be funded.

Margaret Hogg
Chief Financial Officer, North Ayrshire Health and Social Care Partnership

Stephen Brown
Chief Officer, North Ayrshire Health and Social Care Partnership
INTRODUCTION

1.1 The Financial Memorandum produced to accompany the Domestic Abuse (Scotland) Bill; introduced in the Scottish Parliament on 17 March 2017; was circulated for comment on 20 March 2017.

1.2 The Memorandum invites comments from those organisations that have an interest in, or which may be affected by, the Financial Memorandum for the Domestic Abuse (Scotland) Bill.

CONSULTATION

2.1 Police Scotland has reviewed the Financial Memorandum and offers the following comments in response.

1. Did you take part in any consultation exercise preceding the Bill and, if so, did you comment on the financial assumptions made?

Comment: Police Scotland submitted comments independently as part of the consultation exercise preceding the Bill. Our response considered estimated [additional] minimum non-cashable costs (i.e. resource expenditure) that may be incurred by Police Scotland following the introduction of the Domestic Abuse (Scotland) Bill. This resource expenditure considered the potential time officers would spend responding to domestic incidents, and the extra time needed to investigate and thereafter report crimes associated with the legislation. In addition, an estimated capital cost for the associated training for first responders was provided.

2. If applicable, do you believe your comments on the financial assumptions have been accurately reflected in the Financial Memorandum?

Comment: Yes, the Financial Memorandum reflects the comments made in the original Police Scotland consultation response.

3. Did you have sufficient time to contribute to the consultation exercise?

Comment: Yes, sufficient time was available for Police Scotland to prepare and submit a response to the consultation exercise.
Costs

4. If the Bill has any financial implications for your organisation, do you believe that they have been accurately reflected in the Financial Memorandum? If not, please provide details.

Comment: The Financial Memorandum reflects the previously submitted resource expenditure implications for Police Scotland however, as mentioned, they are difficult to quantify with any precision. Additional resource expenditure factors which Police Scotland are unable to quantify at this time include, for example, supervisory incident oversight, detention and arrest of suspects, completion of associated paperwork, management of risk and officers attendance at court. This list is presented as an example of additional resource expenditure and should not be considered as definitive.

5. Do you consider that the estimated costs and savings set out in the Force Memorandum are reasonable and accurate?

Comment: In respect of Police Scotland, the resource expenditure set out in the Force Memorandum are a reflection of those that were provided as part of the initial consultation. It must be borne in mind however, that the additional time taken for officers to attend the anticipated increase in incidents following the introduction of the Domestic Abuse (Scotland) Bill, will impact on their availability to carry out other police duties. There are no expected savings to be made by Police Scotland.

Police Scotland is content that the costs/savings figures set down for Crown Office and Procurator Fiscal Service (COPFS), Scottish Courts and Tribunals Service (SCTS) and Scottish Legal Aid Board (SLAB) accurately reflect their submissions.

6. If applicable, are you content that your organisation can meet any financial costs that might incur as a result of the Bill? If not, how do you think these costs should be met?

Comment: While it is accepted that there will be financial implications associated with the introduction of the Domestic Abuse (Scotland) Bill, they are very difficult to determine with any precision.

The Financial Memorandum provides indicative estimates, for example, if demand were to increase by 2% non-cashable costs may increase by at least £682,065. If demand were to rise by 10% these may rise to a minimum of £1,642,615. Importantly, this is very much a minimum resource expenditure figure and does not take into account the additional resource expenditure that Police Scotland are unable to quantify at this time (as outlined at Q4 above).
In addition, the projected costs are based on the volume of domestic incidents reported to Police Scotland in 2015-16. Following the introduction of this new offence, not only is an increase in the number of reported domestic incidents anticipated, but those reported that would not formerly be considered a crime may be investigated and reported as such.

The financial impact on Police Scotland, which includes both non-cashable resource expenditure and capital one-off costs, is expected to be significant.

7. Does the Financial Memorandum accurately reflect the margins of uncertainty associated with the Bill’s estimated costs and with the timescales over which they would be expected to arise?

Comment: Yes, the Financial Memorandum reflects the margins of uncertainty associated with the Bill’s estimated costs and the timescales over which they would be expected to arise.

Wider Issues

8. Do you believe that the Financial Memorandum reasonably captures any costs associated with the Bill? If not, which other costs might be incurred and by whom?

Comment: The Financial Memorandum appears thorough in its consideration of the potential costs associated with the Bill and of the degree of financial uncertainty associated with it.

9. Do you believe that there may be future costs associated with the Bill, for example through subordinate legislation? If so, is it possible to quantify these costs?

Comment: The impact of such legislative change is incredibly difficult to quantify and no doubt will remain so for any subordinate legislation that may be introduced in the future. From a police perspective, and in addition to the non-cashable resource expenditure and capital one-off costs already identified by Police Scotland, additional consideration must also be given to developing guidance for first responders. Further, IT costs may be incurred when making the necessary collective software amendments to accommodate the proposed legislative change.

3. CONCLUSION

3.1 The foregoing comments are submitted for the information and consideration of Assistant Chief Constable (ACC) Mark Williams and thereafter for onward submission to Kate McGough, Assistant Clerk, Finance and Constitution, Committee, The Scottish Parliament, Edinburgh, EH99 1SP.
Scottish Parliament Finance and Constitution Committee
Call for Evidence on Domestic Abuse (Scotland) Bill Financial Memorandum
Response from Scottish Borders Violence Against Women Partnership

This questionnaire is being sent to those organisations that have an interest in, or which may be affected by, the Domestic Abuse (Scotland) Bill’s — Financial Memorandum (FM).

In addition to the questions below, please add any other comments you may have which would assist the Committee’s scrutiny of the FM.

Consultation

Did you take part in any consultation exercise preceding the Bill and, if so, did you comment on the financial assumptions made?

Yes, the Scottish Borders Violence Against Partnership made comment during the Consultation but did not make comment on the financial assumptions made, specifically.

If applicable, do you believe your comments on the financial assumptions have been accurately reflected in the FM? N/A

Did you have sufficient time to contribute to the consultation exercise?

Yes

Costs

If the Bill has any financial implications for your organisation, do you believe that they have been accurately reflected in the FM? If not, please provide details.

No, with an increase in the breadth of behaviours that will constitute domestic abuse and the increase in numbers of offences, this will potentially increase the number of referrals to specialist domestic abuse services, and increase the length of time that victims may require support, thus having an impact on capacity of specialist services, both in the statutory and voluntary sector.

Do you consider that the estimated costs and savings set out in the FM are reasonable and accurate?

Seem reasonably calculated

If applicable, are you content that your organisation can meet any financial costs that it might incur as a result of the Bill? If not, how do you think these costs should be met?
The additional costs to meet any additional demand should be met by a range of partner agencies, however, this may be more effectively managed if budgets at Government level are synergised rather than silo-ed?

Does the FM accurately reflect the margins of uncertainty associated with the Bill’s estimated costs and with the timescales over which they would be expected to arise?

Unable to comment

Wider Issues

8. Do you believe that the FM reasonably captures any costs associated with the Bill? If not, which other costs might be incurred and by whom?

9. Do you believe that there may be future costs associated with the Bill, for example through subordinate legislation? If so, is it possible to quantify these costs?
Dear Sir/Madam

Domestic Abuse Bill 2017

We thank you for being given the opportunity to respond to the Finance and Constitution Committee’s call for evidence on the Domestic Abuse Bill 2017 (“the Bill”).

Contribution from the Scottish Courts and Tribunals Service (“SCTS”) was sought when the Financial Memorandum (“FM”) was being drafted and SCTS believes that the FM reasonably captures costs associated with the Bill, insofar as they relate to SCTS.

On this basis, we have no further comment to make.

Yours faithfully

Mark Kubeczka
Legislation Implementation Team
Scottish Parliament Finance and Constitution Committee

Call for Evidence on Domestic Abuse (Scotland) Bill Financial Memorandum

Response from Scottish Legal Aid Board

This questionnaire is being sent to those organisations that have an interest in, or which may be affected by, the Domestic Abuse (Scotland) Bill’s — Financial Memorandum (FM).

In addition to the questions below, please add any other comments you may have which would assist the Committee’s scrutiny of the FM.

Consultation

1. Did you take part in any consultation exercise preceding the Bill and, if so, did you comment on the financial assumptions made?

We were consulted on analysis of potential numbers of offences prosecuted under the new Act but we were not asked to comment on the FM and therefore the detailed financial assumptions.

2. If applicable, do you believe your comments on the financial assumptions have been accurately reflected in the FM?

We were not asked to comment on the FM and therefore the detailed financial assumptions.

3. Did you have sufficient time to contribute to the consultation exercise?

We had time with regards the consultation that took place.

Costs

4. If the Bill has any financial implications for your organisation, do you believe that they have been accurately reflected in the FM? If not, please provide details.

Although we may have presented the breakdown of analysis in a more detailed way, we consider that the total estimated costs for legal aid are satisfactory.

5. Do you consider that the estimated costs and savings set out in the FM are reasonable and accurate?

See answer to question 4.

6. If applicable, are you content that your organisation can meet any financial costs that it might incur as a result of the Bill? If not, how do you think these costs should be met?
The costs estimated are legal aid cases costs. These costs are met from the Legal Aid Fund which is non cash limited.

7. Does the FM accurately reflect the margins of uncertainty associated with the Bill’s estimated costs and with the timescales over which they would be expected to arise?

Due to the margin of uncertainty on the impacts on legal aid, the FM presents a total range of costs that we consider to be satisfactory with the caveat given in the answer to question 4.

Wider Issues

8. Do you believe that the FM reasonably captures any costs associated with the Bill? If not, which other costs might be incurred and by whom?

**We have no comment to make on costs outwith legal aid.**

9. Do you believe that there may be future costs associated with the Bill, for example through subordinate legislation? If so, is it possible to quantify these costs?

**We have no comments on this.**
Scottish Parliament Finance and Constitution Committee

Call for Evidence on Domestic Abuse (Scotland) Bill Financial Memorandum

Response from Scottish Women’s Aid

This questionnaire is being sent to those organisations that have an interest in, or which may be affected by, the Domestic Abuse (Scotland) Bill’s — Financial Memorandum (FM). In addition to the questions below, please add any other comments you may have which would assist the Committee’s scrutiny of the FM.

Consultation

1. Did you take part in any consultation exercise preceding the Bill and, if so, did you comment on the financial assumptions made?

SWA responded to all the consultation papers preceding this Bill, namely, “Equally Safe – Reforming the criminal law to address domestic abuse and sexual offences”, “A Criminal Offence of Domestic Abuse” and “The Creation of A Specific Offence of Domestic Abuse – Proposed Associated Reforms to Criminal Procedure.”

None of these consultation papers presented financial assumptions and our responses focussed on the policy and practical elements of designing the offence and did not address the issue of cost, apart from the possible impact on our network of local Women’s Aid groups- see Question 4 below.

2. If applicable, do you believe your comments on the financial assumptions have been accurately reflected in the FM?

N/A

3. Did you have sufficient time to contribute to the consultation exercise?

Yes and have been in discussion with the Scottish Government on the policy and practical elements of designing the offence between the various consultations.

4. If the Bill has any financial implications for your organisation, do you believe that they have been accurately reflected in the FM? If not, please provide details.

In our response to the consultation paper, “A Criminal Offence of Domestic Abuse” we commented that support needs for women, children and young people throughout the process would increase and since much more of the spectrum of abusive behaviours will effectively be made reportable and prosecutable, we suggested that the government consider the resource implications for Women’s Aid groups. It is important to note, however, that a better legal response (as in the new Bill) will in our view improve first responses, reduce revictimisation and re-offending. So it may well be that any additional costs in one part of the system will be balanced out by savings in another.

5. Do you consider that the estimated costs and savings set out in the FM are reasonable and accurate?

Financial considerations aside, the introduction of this offence is wholly appropriate in terms of Scotland meeting its international obligations. As the Policy Memorandum
notes at paragraph 175, “Article 8 also imposes positive obligations on states to secure effective respect for the moral and physical integrity of individuals, for example by providing criminal sanctions to deter people from causing serious harm to others. The offence can be viewed as a manifestation of this positive obligation.”

Estimated costs and savings is a difficult issue to comment on with any accuracy since, as the Financial Memorandum notes at paragraph 6, “…The key factor which will determine the cost implications will be the number of investigations, prosecutions and disposals arising directly as a result of the new offence”.

These factors, in turn, will be influenced by the issues outlined in paragraph 17, namely “…an increase in reports to the police, arising from general increased awareness of what constitutes domestic abuse, and… the fact that the new offence explicitly provides for the prosecution of psychological abuse where this forms part of a course of conduct, which cannot or, at least, cannot easily be prosecuted under existing laws.” The Memorandum goes on to note costs incurred due to a similar likely increase in prosecutions due to these factors and also that having the new offence as construed will make it possible to “…better identify and prosecute the totality of abuse, resulting in some cases amounting to a serious course of conduct being prosecuted in a higher level of court.”

However, there are other factors, including those set out in paras 128 and 129, which may limit any increase in costs and possibly, in the long run, result in these costs decreasing, which we now refer to.

There is an assumption around "some cases becoming more complex to prosecute as they involve psychological abuse" but the COPFS and Police Scotland can use techniques already honed in other areas of police work such as the investigation of financial and social media offences. In addition, the concept of “intimate terrorism” is not a complete unknown to either of these bodies. Robust implementation, including the use of the recently revised Joint Protocol between Police Scotland and the COPFS on the investigation and prosecution of domestic abuse will improve the gathering of evidence and presentation of cases by the police to the COPFS. Rationalising the system through such efficient practice will save the police, COPFS and Scottish Courts time and resources. Also, cases involving elements of sexual assault will likely be dealt with in terms of current practice, namely under solemn procedure, so there would be no change to how “conduct” offences involving this abusive behaviour, along with serious assaults and/or stalking are dealt with.

It should also be noted that some of the projected costs to COPFS, Police Scotland and the Scottish Courts and Tribunal Services may, in fact, duplicate or share, costs incurred, or likely to be incurred through ongoing changes and reform to procedure such as the Evidence and Procedure Review, so savings may, in fact, be achieved. Financial “economies of scale” will also result once the police and COPFS become familiar with the evidential, investigatory and prosecution requirements of the offence and responses improve. It should be noted that where a course of conduct is being prosecuted, instead of a number of individual prosecutions for single incidents, this should result in a decrease of these “single incident” prosecutions where the COPFS combine all these incidents into the course of conduct.

There are good grounds to assume that there would not necessarily be an increase in re-victimisation cases. These may “fall off” because the police investigation and subsequent COPFS prosecution will, through developing further expertise, “get it
right first time” and succeed in dealing with perpetrators at the initial stages, acting as a deterrent to further offending.

While an increase in costs for training of COPFS and Police Scotland is noted, some of this cost would already be incurred through the ongoing policy of these bodies in ensuring good practice responses through training and, in fact, to an extent this already includes training around the nature and dynamics of coercive control.

The Scottish Government noted in their “Safer Lives, Changed Lives: A Shared Approach to Tackling Violence Against Women in Scotland.” Violence against women is unacceptable and a violation of human rights, but it is also a major drain on the public purse and the economy. In addition to the human and emotional costs there are costs to the criminal and civil justice system, health service, social services and housing. Difficult though it is to quantify, a study in 2004 conducted for the UK Government’s Women and Equality Unit by Sylvia Walby estimated that the cost of domestic abuse in England and Wales was £23 billion. The cost to the public purse of violence against women is estimated to be almost double this figure at £40 billion (A study by Jarvinen et al in 2008 New Philanthropy Capital Report - Violence against women: Hard knock life). Given the Scottish population is roughly 10% that of England, this indicates that some £2.3 billion could be the cost to the Scottish public purse of domestic abuse and £4 billion the cost of violence against women.”

By “cost” we mean public services such as health, housing, criminal justice, lost employment, and the emotional impact on those experiencing domestic abuse and their families. Spending on prevention and on effective services to support women, children and young people offsets these costs. These figures were revised in 2009 to demonstrate how effective responses and access to appropriate services and support could, in fact, reduce this cost. Nonetheless, the revised figure for England and Wales was approximately £16 billion and again, in terms of Scotland, this equates to around £1.6 billion.

In the light of these costs, any short-term increase in the cost of the criminal justice response will, in turn, will pay dividends in reducing the long-term cost of domestic abuse. Reducing violence against women budgets is, in fact, a false economy, because the costs will only surface somewhere else and cuts impact on women and children’s safety, access to support services, employment chances and ability to have economic independence.

It is noted that one of the “Equally Safe” workstreams, that of Primary Prevention, is specifically tasked with exploring what works with regards to preventing violence against women and girls and the benefits of this approach.

6. If applicable, are you content that your organisation can meet any financial costs that it might incur as a result of the Bill? If not, how do you think these costs should be met?

It is not possible to accurately estimate a figure representing the likely increase in costs to local Women’s Aid groups in providing support through all their available support services and option available to women, children and young people experiencing domestic abuse where a prosecution is undertaken via the new offence. However, undoubtedly, there will be increased requests for refuge

---

http://scotland.gov.uk/Publications/2009/06/02153519/0
accommodation and direct support for women and children by workers, resulting on increased pressure on local Women’s Aid groups already strained resources.

As we have said in response to Question 4, this is an issue that requires to be addressed by the Scottish Government and local authorities in order to support valuable and valued Women’s Aid services.

7. Does the FM accurately reflect the margins of uncertainty associated with the Bill’s estimated costs and with the timescales over which they would be expected to arise?

See comments above

8. Do you believe that the FM reasonably captures any costs associated with the Bill? If not, which other costs might be incurred and by whom?

See comments above
This questionnaire is being sent to those organisations that have an interest in, or which may be affected by, the Domestic Abuse (Scotland) Bill’s — Financial Memorandum (FM).

In addition to the questions below, please add any other comments you may have which would assist the Committee’s scrutiny of the FM.

Consultation

1. Did you take part in any consultation exercise preceding the Bill and, if so, did you comment on the financial assumptions made?
   
   No.

2. If applicable, do you believe your comments on the financial assumptions have been accurately reflected in the FM?
   
   N/A

3. Did you have sufficient time to contribute to the consultation exercise?
   
   N/A

Costs

4. If the Bill has any financial implications for your organisation, do you believe that they have been accurately reflected in the FM? If not, please provide details.

   For Local Government the Bill only reflects additional costs in respect of Community penalties. Whilst there is no financial issue regarding this costing there is the potential for an increase in workload for some other aspects of statutory services. Provided the quantum of the S27 Criminal Justice Social Work grant is increased to reflect additional workload activity then and increase in demand is funded.

   However we consider that there could be financial implications for other Council services not identified in the Bill. In particular in respect of Housing, if the alleged perpetrator is for example, bailed from court and cannot return to their own address.

   Similarly Children’s services could see an increase in referrals from the Police and Scottish Children’s Reporters’ Administration (SCRA) as a result of children being affected by domestic abuse. There could be a greater need to implement early intervention programmes for children and young people advising them about healthy relationships.
5. Do you consider that the estimated costs and savings set out in the FM are reasonable and accurate?

The costs set out for a Community penalty are the outcome of an extensive exercise to attempt to establish the average cost of a community payback order. This work demonstrated the difficulty in establishing Justice costs and there is not a more robust costing that could be used as an alternative.

6. If applicable, are you content that your organisation can meet any financial costs that it might incur as a result of the Bill? If not, how do you think these costs should be met?

There is no funding to meet any additional costs that may arise as a result of the Bill.

7. Does the FM accurately reflect the margins of uncertainty associated with the Bill's estimated costs and with the timescales over which they would be expected to arise?

No response

Wider Issues

8. Do you believe that the FM reasonably captures any costs associated with the Bill? If not, which other costs might be incurred and by whom?

There could be implications for demand for Women's Aid and Victim Support services due to an increased number of referrals and greater demand on screening. In turn these organisations may request an increase in funding from the Council. It is also anticipated that there could be a greater number of women looking to attend programmes/strategies to increase their confidence.

9. Do you believe that there may be future costs associated with the Bill, for example through subordinate legislation? If so, is it possible to quantify these costs?

No response
Scottish Parliament Finance and Constitution Committee  
Call for Evidence on Domestic Abuse (Scotland) Bill Financial Memorandum  
Response from Stirling Council

**Consultation 17/03/859 - Call for Evidence on Domestic Abuse (Scotland) Bill Financial Memorandum**

**BACKGROUND**

The Domestic Abuse (Scotland) Bill was introduced in the Scottish Parliament on 17 March 2017. The Bill aims to strengthen the law regarding domestic abuse by making this a crime in its own right (currently this is an “aggravator” in respect of other crimes e.g. assault); and defining this to include the use of coercive and controlling behaviour i.e. psychological abuse; by an individual towards their partner or ex-partner.

In summary the Bill will:

- create a new offence of domestic abuse that will include criminalisation of psychological abuse which can be difficult to deal with under existing laws
- ensure appropriate penalties are available to deal with domestic abusers
- provide a range of associated measures to modernise the justice system response to domestic abuse

Scottish Parliament’s Finance and Constitution Committee has invited written evidence on the estimated financial implications of the Bill. It is anticipated that new additional costs will arise from:

- general increased awareness of what constitutes domestic abuse leading to increased reporting
- explicitly providing for the prosecution of psychological abuse where this forms part of a course of conduct which cannot or, at least, cannot easily be prosecuted under current laws; leading to an increase in investigations and prosecutions
- making it possible to better identify and prosecute the totality of abuse, resulting in some cases being prosecuted in a higher level of court
- some cases becoming more complex to prosecute as they involve psychological abuse
- training for the introduction of the new offence

**Additional cost implications - assessment methodology.**

The potential financial implications of the Bill are estimated using a range of potential increases in levels of reporting of domestic abuse (+2%, + 6 % and +10 %.) This approach is based on national evidence and experience in this field and is considered both pragmatic and reasonable. Additional cost implications are considered for the following organisations:- Crown Office and Procurator Fiscal Service (COPFS), Scottish Courts & Tribunals Service, Scottish Legal Aid Board, Scottish Prison Service, Police Scotland, Local Authorities and Other Bodies, Individuals and Businesses

**Additional cost implications for local authorities**

Additional costs are anticipated in respect of the Community Justice System nationally with a more local perspective of anticipated additional costs potentially available from other consultees within the Council. Although not considered in the memorandum; additional costs may arise for local authorities in respect of:

- a potential increase in homelessness due to domestic abuse
- a potential increase in demand for psychological support services for adults / children
- a potential increase in the level of financial assistance to Third Sector organisations directly supporting victims of domestic abuse

Assuming approval of the Bill, monitoring of the impact of the subsequent Act, will be essential to understanding its full service delivery and resource implications

**Implications for equality.**

The Bill seeks to address under reporting of domestic abuse, recognises that physical violence may be only part of the experience of those affected, particularly women; and reflects increased understanding of the Stirling Council.
impact of psychological abuse on victims including children. Domestic abuse demonstrates an imbalance of power within personal relationships potentially effecting people in all protected characteristic groups; but remains predominantly behaviour perpetrated by men against women. By enabling abusers to be more effectively held to account for their behaviour and more victims to access justice, the Bill provides opportunities to redress this imbalance for all victims of domestic abuse but particularly women. From an equalities perspective it is therefore particularly welcome.

Liz Fraser  Children , Communities &  Enterprise.
INTRODUCTION

1. Victim Support Scotland (VSS) welcomes the introduction of the Domestic Abuse (Scotland) Bill. VSS is the largest charity supporting people affected by crime across Scotland through the provision of practical help, emotional support and essential information. A significant amount of work embarked on by VSS relates to Domestic Abuse. As such, we welcome the opportunity to provide evidence to the Finance Committee.

COSTS

2. As stated in the Financial Memorandum, the higher levels of awareness generated by the creation of this new offence may encourage more people to come forward and report cases in a way that they would not have done previously.

3. Moreover, where “psychological abuse” is concerned, there will be cases reported for prosecution which are not currently reported as it is not considered a crime at present. This will include some cases being regarded sufficiently serious that COPFS elect to prosecute via the solemn court.

4. It is noted that other bodies do not anticipate there will be any new costs as a result of the new offence.

5. However, based on Finance Committee calculations, when the proposed offence becomes law, it may have immediate financial implications for the VSS Witness Support Service.

6. Further, over a period of three to six years, it is anticipated there will be more cases in which psychological abuse and coercive and controlling behaviour of the most severe kind are prosecuted – resulting in likely costs for VSS.

ENDS