

PE2025/I: Improve the support available to victims of domestic violence, who have been forced to flee their home

Minister for Victims and Community Safety written submission, 19 June 2025

Thank you for your letter of 28 May 2025 in relation to your ongoing consideration of this petition.

Legal Aid Reform

You ask for an update on the engagement work with key stakeholders to inform future legislative proposals to reform the legal aid system which I had previously indicated was due to commence “in early course” in my letter of 29 July 2024.

I am pleased to be able to inform the committee that work in this regard has commenced in earnest. On 27 February 2025 I published a discussion paper on [Legal Aid Reform](#) which set out three key strands of work that the Government will undertake in 2025 and 2026 to improve legal aid, namely:

- Judicare simplifications we can deliver as immediate reform actions in 2025-2026;
- Research on, and reform of, legal aid fees in 2025; and
- Developing a future legal assistance system in 2025 and beyond.

In the short term we intend to make it easier both for solicitors to work with legal aid funding and for users to access it. We have identified priorities to action in 2025-2026 as the first steps in an ongoing plan for the improvement of judicare through a package of reforms which will simplify the current system and address a number of its challenges.

I recognise that longer-term transformational change is needed to fully provide a modern and responsive legal aid system. The Scottish Government is committed to delivering that system and the significant primary legislation which it will require.

We are also committed to discussing the more fundamental changes to the structure, funding and delivery of legal assistance that are needed to build a system fit for the future. This system must be capable of adapting to changes in the wider social and justice environments and offering those in need of legal help and those who provide that help with a better system in which to operate. These discussions will inform the development of primary legislation for a future parliamentary session.

In the context of the petition, I would also like to take this opportunity to inform you that the Scottish Legal Aid Board (SLAB) have updated their guidance to say that they understand that it can be difficult for applicants who have had to flee an abusive or controlling relationship to be able to provide the relevant financial verification to support their civil legal aid applications. SLAB will use their discretion to either disregard income or capital where they consider it reasonable to do so. This is not a change in policy but a means to raise awareness of SLAB’s approach.

More generally, we continue to work closely with our stakeholders to support women to get access to the help they need. Data from SLAB shows that there are cases involving allegations of abuse - so we know firms do take these cases on and legal aid is readily available for protective orders. In addition to recent increases in legal aid fees, we have provided £230k grant funding per year for the last eight years to the Scottish Women's Rights Centre and are providing funding of up to £432k for a pilot in Edinburgh run by Scottish Women's Aid in partnership with Edinburgh Women's Aid and Baker Gostelow Family Law Ltd. Projects such as these will help to inform future services and to target funding in the places it is most needed.

Non-Harassment Orders

You also asked about the possibility of an extension of any applicable time period of a non-harassment order, in both the criminal and civil context.

In the civil context, provision for non-harassment orders is made in sections 8 and 8A of the [Protection from Harassment Act 1997](#), and in the criminal context, provision is made in sections 234A and 234AZA of the [Criminal Procedure \(Scotland\) Act 1995](#). The non-harassment order can require the defender to refrain from such conduct in relation to the pursuer as may be specified in the order (or interlocutor) for such period (which includes an indeterminate period) as may be so specified.

Section 8(7) of the Protection from Harassment Act 1997 provides that:

"Without prejudice to any right to seek review of any interlocutor, a person against whom a non-harassment order has been made, or the person for whose protection the order was made, may apply to the court by which the order was made for revocation of or a variation of the order and, on any such application, the court may revoke the order or vary it in such manner as it considers appropriate."

And Section 234A(6) of the Criminal Procedure (Scotland) Act 1995 provides that:

"The person against whom a non-harassment order is made, or the prosecutor at whose instance the order is made, may apply to the court which made the order for its revocation or variation and, in relation to any such application the court concerned may, if it is satisfied on a balance of probabilities that it is appropriate to do so, revoke the order or vary it in such manner as it thinks fit, but not so as to increase the period for which the order is to run."

Our understanding is that the arrangements for revocation or variation in the criminal context do not allow for an extension of any time period, but in the civil context this is not restricted.

The Scottish Commission's Aspects of Family Law Project is now focussing on [a review of the civil remedies available for domestic abuse](#), which include civil non-harassment orders, as part of the 11th Programme of Law Reform. As you may recall, the Commission has previously responded to an enquiry from the Committee on Petition 2025. I note the Commission has referenced aspects of Petition 2025 in the initial [Discussion Paper](#) in their review of civil remedies (at paragraphs 5.85 and 5.86).

We will consider the outcomes of the Commission's work when their Report is published as well as the Committee's views on Petition 2025.

I trust the above information is of assistance to the Committee in their continued consideration of this petition.

Yours sincerely,

SIOBHIAN BROWN