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Audrey Nicoll
Convener
Criminal Justice Committee
The Scottish Parliament
Edinburgh
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By Email

16 December 2025

Dear Convener

Prevention of Domestic Abuse (Scotland) Bill

Please find attached a memorandum that has been prepared by the Scottish Government to assist the Criminal Justice Committee in their consideration of Prevention of Domestic Abuse (Scotland) Bill introduced by Pam Gosal MSP on 07 May 2025.

This memorandum outlines both policy and financial considerations.

I would be pleased to discuss the memorandum when I attend Committee on 17 December 2025.

Yours sincerely,



SIOBHIAN BROWN

MEMORANDUM FROM THE SCOTTISH GOVERNMENT TO THE CRIMINAL JUSTICE COMMITTEE

Introduction

This memorandum has been prepared by the Scottish Government to assist consideration by the Criminal Justice Committee of the Prevention of Domestic Abuse (Scotland) Bill, which was introduced by Pam Gosal MSP on 07 May.

Background

Whilst the Scottish Government does not oppose the underlying intent of the proposed Bill, we question if the Bill as drafted will achieve that intent. There are a number of operational and practical concerns with the provisions proposed in the Bill, as well as significant and long term financial and resource implications, some of which are unknown.

One main concern rests with the absence of any clear detail about how the proposals would interact with existing processes and procedures. For example, those with domestic abuse convictions, can already be managed under MAPPA, as an “other risk of harm” individual. The Disclosure Scheme for Domestic Abuse Scotland (DSDAS) also allows individuals to obtain information and make an informed decision about their situation when they may be at risk in a relationship. Without a clearer understanding of interactions with such existing initiatives, the risk of duplication and associated inefficiency and confusion is high.

While the concept of a domestic abuse register seems to have been withdrawn in response to the consultation process in 2022, though the wording is used, and the Bill would instead introduce notification requirements, there remains a suggestion that being on a ‘list’ of some description would be a disincentive to offending. As stakeholders have noted, and we would agree with, that assertion remains unevidenced, and as a consequence, it remains unclear what additionality this proposal would deliver. That paired with the significant administrative impact and cost (including opportunity cost) involved in managing this cohort in this way, does not seem to reach the right balance.

Further concerns remain in relation to how the establishment of duties on education authorities around the promotion, facilitation and support of domestic abuse education would operate in practice. As drafted the Bill would contradict the discretionary and non-statutory approach to the curriculum currently in place in Scotland. It is also not clear who would provide that education; how, if teachers were providing they could opt out of providing it particularly if they were a victim or witness of such abuse; what initial and ongoing training would consist of or cost; if not teachers, who would provide the education; how age appropriate education would be developed; and how children who were victims or witnesses of abuse would be supported.

Financial Impact

The costs outlined within the Financial Memorandum would be extremely significant at any point, with estimated costs annually of around £14,719,472 - £19,116,534 in 2025-26 terms and £17,213,972 - £23,006,540 in Year 5 costs. These are likely to rise annually.

Substantial costs for Part 1 of the Bill outline the estimated staff costs to meet offender management needs under MAPPA in Scotland ranging from £7,812,588 to £12,209,650 per the estimated cohort of 3,169 domestic abuse offenders in the first year. These costs are likely to rise annually.

Significant costs on local authorities have also been estimated at £4,747,780 attributed to Part 2 and £4,811,780 to support Part 4. These are likely to be underestimates.

Some organisations have also outlined concern on the funding of implementation with Victim Support Scotland specifically outlining that *“given the current pressures on budgets, VSS believes that available finance should be directed towards fully funding current services rather than implementing this new initiative”*.

Police Scotland have also outlined *they “are not of the opinion that the significant investment of budget and resources needed to meet its requirements are proportionate to the potential benefit”*. There would also be the need to consider the training needs and costs of wider Justice partners and third sector organisations.

The Scottish Government believe the costs would need to be much more clearly defined before the proposals could proceed. It has been outlined that the resourcing would be expected to be met by funding from the Scottish Government, therefore it would need to come from existing budgets. We believe the impact on other funded services focussed towards victims of domestic abuse, would need to be quantified and assessed.

Scottish Government's Position

Whilst the Scottish Government does not oppose the underlying intent of the proposed Bill, there are a number of significant operational and practical concerns with the provisions proposed in the Bill as drafted, as well as significant and long term financial and resource implications, which we would not support. Based on the written Committee submissions received, many of which reiterate the concerns we have outlined, our overall position about the need for legislation and the suggested proposals, will not change.

Alongside the extensive resource and financial implications, we are not supportive of Part 1 of the Bill and the assertion that it would be a disincentive to commit the crime of domestic abuse without any clear evidence base. There are however a number of opportunities to further the work of the current DSDAS, including raising wider public awareness to support and protect individuals and reviewing whether any potential changes or enhancements to the current scheme are required. We are actively

exploring this with Police Scotland through the Justice Partners Domestic Abuse Roundtable.

In relation to Part 2 of the Bill, the Scottish Government is already investing in valuable rehabilitation work through the Caledonian System, which uses an integrated whole family approach to address domestic abuse of women by men in Scotland. It works with men who abuse, to change their behaviour, while also offering separate support to their partners and children.

The Scottish Government remains committed to expanding the Caledonian System more widely across Scotland and has provided additional funding to local areas to ensure it remains sustainable going forward. Following increased geographical expansion, future independent accreditation processes will help provide evidence as to whether further adaptations could make versions available at alternative points in the system.

It is also important to recognise that the Caledonian Men's Programme is a court ordered programme and it is for the court to decide what they deem is most suitable based on what is available in a local area, and fundamentally it does not require legislation to expand the programme.

With regards to Part 3, whilst the Scottish Government recognises that more can be done regarding data collecting and reporting, this can be achieved without placing statutory duties on Police Scotland, the Crown Office and Procurator Fiscal Service (COPFS), and charities to request data from victims and record the data received in relation to offences involving domestic abuse. This would be a significant burden on charities, which are constituted as individual entities, and not established to gather such data, but to provide support to victims.

There are a number of workstreams underway to improve the data evidence base, including the work of the Justice Partners Domestic Abuse Roundtable and we believe this work is best achieved through active partner engagement. In relation to Part 4 of the Bill, the curriculum already includes learning and teaching about domestic abuse and placing a requirement on the Scottish Ministers and education authorities would create an unhelpful precedent going forward.

Scotland does not take a statutory approach to the curriculum and it is very much up to individual schools and local authorities what approaches they use and external partnerships they build to help them deliver relevant and engaging learning. The Scottish Parliament has also consistently recognised that this flexibility is important and it would not be appropriate to alter that.

The effect of placing a statutory duty on schools and teachers to deliver learning and teaching on domestic abuse does not recognise the significant work already being undertaken by our hardworking teachers. The proposed Bill does not acknowledge that the current curricular framework already allows for this learning and teaching. The proposed Bill does not set out how a statutory approach would be delivered, how it would be evaluated or how it would contain the precedent of a particular part of the curriculum being statutory when there are many calls for other parts of the curriculum to place on a similar statutory basis.

Through our Delivery of Equally Safe, we fund Rape Crisis Scotland (RCS) to manage two programmes:

- Equally Safe at School – this applies a whole school approach to tackling gender inequality and gender-based violence in schools. We expect all local authorities to implement this, and steps are in place to roll this out across Scotland.
- RCS Sexual Prevention Programme – this provides consistency in approaches to the prevention of sexual violence and contributes to Equally Safe (our strategy to prevent and eradicate violence against women and girls).

Our Equally Safe Delivery plan also contains two actions directly related to Equally Safe at School:

- We will ensure that all secondary schools are registered with Equally Safe at School.
- We will ensure that all key secondary school staff undertake the Equally Safe at School e-learning module to help ensure delivery is age and stage appropriate.

This approach, coupled with relationships, sexual health and parenthood education, which intends to help children and young people build positive relationships as they grow older, also enables teachers to continue to have the flexibility to include content on domestic abuse, if they feel it appropriate.

Our existing approach considers how we can enhance the provision of Caledonian service, improve the effectiveness of MAPPA and work with Police Scotland to consider how we might enhance and broaden the use of their DSDAS. We will also review how we can enhance existing data provision both from an operational and third sector perspective.

Conclusion

The Scottish Government remains committed to tackling domestic abuse to ensure that those who perpetrate violence and abuse, the majority of whom are men, change their actions and behaviour. We recognise that there is always more to be done but we do not see the provisions within this Bill as drafted as the most effective focus for the reasons outlined above.

There is a significant administrative impact and cost involved in the Bill, many of the proposals in the Bill as drafted are not clear or defined, and it is not clear what additionality the Bill would provide. This leads us to believe that the Bill does not seem to reach the right balance in what its outcomes would be paired with the costs to public bodies and charities and we cannot support it as currently drafted.