Briefing for the Public Petitions Committee on petition PE2257: Expand Scottish domestic abuse law to protect adults from non-partner coercive control, lodged by Sareeta McLachlan

The petition is seeking to expand Scotland's domestic abuse law to include adults experiencing "coercive control, psychological harm, isolation, or financial exploitation by non-partners, including carers, family members, friends, neighbours, guardians, attorneys, and others in positions of trust or power". It states that this would ensure "equal protection under the law regardless of the perpetrator's relationship to the victim".

The petition states that:

> "Many adults rely on others for daily care, decision-making, or access to support, creating relationships of dependency where psychological harm, isolation, and financial control can occur. When concerns arise, they are often treated as private disputes or civil matters."

It describes the way these cases are handled as "fragmented across multiple bodies, meaning no single agency assesses the full pattern of coercive control and harm".

Brief overview of issues raised by the petition

Current domestic abuse law

A domestic abuse offence is set out in the Domestic Abuse (Scotland) Act 2018 (the 2018 Act), section 1 of which provides that a person commits an offence if they engage in a course of behaviour that a reasonable person would consider to be likely to cause physical or psychological harm to their partner or ex-partner. The maximum penalty under the Act is 14 years' imprisonment.

This offence does not capture all behaviour that may be considered domestic abuse – notably, it must be a course of behaviour rather than a one-off incident. Where there was not a course of behaviour, or it is difficult to prove, domestic abuse may be prosecuted as other offences along with a statutory domestic abuse aggravation. An aggravation makes a charge more serious, meaning a higher sentence is likely to result.

Section 1 of the Abusive Behaviour and Sexual Harm (Scotland) Act 2016 provides the statutory aggravation. As with the offence in the 2018 Act, the aggravation is limited to abuse of a partner or ex-partner. This extends to physical and psychological harm to the partner or ex-partner.

Protections in non-partner relationships

Part 1 of the Adult Support and Protection (Scotland) Act 2007 (the 2007 Act) provides various protections for adults at risk of harm. The Act provides that adults at risk of harm are “unable to safeguard themselves, their property, rights or other interests” and are more vulnerable to being harmed due to being “affected by disability, mental disorder, illness or physical or mental infirmity”.

The explanatory notes for the Act state:

> "Where it is known or suspected that an adult is being harmed, the Act places a duty on councils to make the necessary enquiries to establish whether or not further action is required to stop or prevent harm occurring. A general principle on intervention in an adult’s affairs requires action which is the least restrictive to the adult whilst providing benefit to him or her. Protection orders include assessment orders, removal orders and banning orders, which require approval by a sheriff.”

The Act also requires councils to set up “Adult Protection Committees to review procedures and practices of specified public bodies relating to the safeguarding of adults at risk”.

Stakeholder views on scope of domestic abuse protections

During the passage of the Domestic Abuse (Scotland) Bill (that became the 2018 Act), views were expressed on the definition of domestic abuse being limited to partner and ex-partner relationships. The Session 5 Criminal Justice Committee reflected on the differing views in its Stage 1 report (from paragraph 74) and concluded:

> “The Committee accepts the Scottish Government's decision to restrict the offence to abuse within a relationship or by an individual against their former partner, rather than defining it more widely (for instance to include the parent-child relationship, or abuse of other family members).” (paragraph 83)

Supporters of the definition included “third sector organisations supporting female victims of crime and abuse, Police Scotland, Victim Support Scotland, and some legal academic respondents” who:

> “accepted the Scottish Government's argument that it flowed from its ‘gendered analysis’ and the definition of ‘domestic abuse’ consistently used by the Government itself and by law enforcement agencies such as the police and the COPFS”. (paragraph 75).

Those supportive of a wider definition included Action on Elder Abuse (which became Hourglass) and “a significant number of organisations working with children and young people” (paragraph 76 and 77). These groups expressed concerns about elder abuse and child abuse and considered the absence of protection for these groups in the 2018 Act to be a missed opportunity. (Note that the petition is not calling for the inclusion of children in the definition of domestic abuse).

Hourglass in Scotland continues to seek expansion of the 2018 Act to include relationships beyond partner and ex-partner relationships. It is also campaigning for an aggravation based on vulnerability.

Scottish Government position

The Scottish Government's response to the petition states that it does not consider there to be a gap in the existing safeguarding framework and that "the harms described in the petition are capable of being addressed through existing adult support and protection, incapacity, criminal and civil law frameworks".

It states that: "Domestic abuse legislation and adult support and protection legislation serve distinct purposes and operate in different circumstances, with the latter providing safeguarding measures that are not dependent upon the relationship between the adult and the person causing harm".

The response highlights the Adult Support and Protection National Strategic Forum which "provides national leadership and oversight of work to strengthen adult support and protection practice" and the Adult Support and Protection Learning and Development Framework which supports those carrying out functions under the 2007 Act. It states that "the Scottish Government continues to work with local authorities, Adult Protection Committees and other partners to support the effective implementation of the Adult Support and Protection (Scotland) Act 2007 and to promote consistent safeguarding practice across Scotland".

It also highlights a review that the Scottish Law Commission is currently undertaking on the civil remedies for domestic abuse. This report is expected in 2027.

Key Organisations

- Police Scotland
- Social Work Scotland
- Victim Support Scotland
- Hourglass
- Scottish Women's Aid
- Crown Office and Procurator Fiscal Service

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20 October 2026

The purpose of this briefing is to provide a brief overview of issues raised by the petition. SPICe research specialists are not able to discuss the content of petition briefings with petitioners or other members of the public. However, if you have any comments on any petition briefing you can email us at spice@parliament.scot

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