



OFFICIAL REPORT
AITHISG OIFIGEIL

DRAFT

Criminal Justice Committee

Wednesday 7 January 2026

Session 6



The Scottish Parliament
Pàrlamaid na h-Alba

Wednesday 7 January 2026

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CRIMINAL JUSTICE COMMITTEE

1st Meeting 2026, Session 6

CONVENER

*Audrey Nicoll (Aberdeen South and North Kincardine) (SNP)

DEPUTY CONVENER

*Liam Kerr (North East Scotland) (Con)

COMMITTEE MEMBERS

*Katy Clark (West Scotland) (Lab)

*Sharon Dowey (South Scotland) (Con)

*Jamie Hepburn (Cumbernauld and Kilsyth) (SNP)

*Fulton MacGregor (Coatbridge and Chryston) (SNP)

*Rona Mackay (Strathkelvin and Bearsden) (SNP)

*Pauline McNeill (Glasgow) (Lab)

*attended

THE FOLLOWING ALSO PARTICIPATED:

Ailidh Callander (Scottish Parliament)

Pam Gosal (West Scotland) (Con)

Charlie Pound (Scottish Conservative MSP Group)

Roz Thomson (Scottish Parliament)

CLERK TO THE COMMITTEE

Stephen Imrie

LOCATION

The David Livingstone Room (CR6)

Scottish Parliament

Criminal Justice Committee

Wednesday 7 January 2026

[The Convener opened the meeting at 09:02]

Prevention of Domestic Abuse (Scotland) Bill: Stage 1

The Convener (Audrey Nicoll): I welcome everyone to the first meeting in 2026 of the Criminal Justice Committee and wish you all a very happy new year. First, I apologise to everyone that I am having to attend and convene the meeting remotely; that is due in part to bad weather but also to illness. Under the current interpretation of our rules, if the convener is participating at all, even remotely, they are required to chair the meeting. In the event that we experience any difficulties or interruptions with my remote connection, the deputy convener will chair proceedings until I am able to rejoin the meeting; I am grateful to Liam Kerr for his assistance in that regard.

We have received no apologies this morning.

Our first item of business is an evidence-taking session on the Prevention of Domestic Abuse (Scotland) Bill. We have one panel of witnesses, and I intend to allow up to 90 minutes for this session. I refer members to papers 1 and 2.

I welcome Pam Gosal MSP, the member in charge of the bill; Roz Thomson, principal clerk of the non-Government bills unit; Ailidh Callander, senior solicitor in the legal services office at the Scottish Parliament; and Charlie Pound, head of policy and research for the Scottish Conservative MSP group.

Before we start, I remind you all to be as succinct as you can in your questions and answers. For ease of convening the session, I propose to take a chronological approach to questions on the bill—that is, we will go through parts 1 to 4 of the bill sequentially. I ask members to indicate to the clerks when they wish to come in, either with a question or a supplementary, at the relevant point.

I invite Pam Gosal to make a short opening statement.

Pam Gosal (West Scotland) (Con): Good morning, and happy new year. I begin by thanking the committee for the scrutiny that it has undertaken so far on my member's bill. I have found it very interesting to listen to all the evidence that you have heard, and I think that I can most

usefully focus my opening remarks on clarifying what my bill would and would not do.

I have been working on the bill for more than three years, and I have undertaken extensive engagement. That has included three informal consultations with organisations and individuals, and there has been formal feedback through two official consultations. I believe, therefore, that the depth of views on my bill cannot be reflected in just two committee evidence sessions. Figures that were released last week show that 66,000 incidents of domestic abuse were recorded in the space of a year, representing a shocking 10 per cent rise on the previous year. It is, therefore, beyond dispute that domestic abuse is a serious issue and is not going away or getting better.

In her evidence to the committee, the Minister for Victims and Community Safety suggested that much is being done, but we all know that the progress that is so desperately needed is not happening. That has always been the basis for my bill: more must be done, and primary legislation is required to make that change.

My bill would set up, under part 1, a series of notification requirements for those who are convicted of the most serious domestic abuse offences. I focused on the most serious offences, following feedback in my own consultation process, because including lower-level offences could lead to those defending themselves being required to be on what I term “the register”. I think that referring to it as a register may have caused some confusion. It is not a stand-alone process—rather, the data from the notification system will feed into the multi-agency public protection arrangements and, by extension, the multi-agency risk assessment conference. That information can then feed into the disclosure scheme for domestic abuse Scotland—DSDAS.

During her evidence session, the minister made much of the potential for those who commit domestic abuse offences to be assessed as posing a risk that would be sufficient for them to fall under the existing category in MAPPA. I accept that some offenders who would fall under the provisions in my bill would already be covered by MAPPA, but I do not think that it is accurate to suggest that the option of including some individuals based on risk in that category in MAPPA is a substitute for requiring all those who commit serious offences involving domestic abuse to be included in the notification scheme.

Do we consider that everyone who commits serious domestic abuse offences should be monitored in some way? I absolutely do, and I believe that evidence on the impact of the sex offenders register and of MAPPA demonstrates that that would have an impact. I know that it is not cheap, but given the scale of the issue and the

cost to wider society, of which the committee is well aware, the huge potential savings in the long term across public services would be far more significant than the initial costs.

It is, of course, challenging to estimate the costs given a notable lack of data on who is already in the system, but the estimated costs are 0.5 per cent of the justice budget. Let me be clear: I make no suggestion that funding would be taken away from existing front-line services relating to domestic abuse in order to fund the implementation of my bill.

With regard to part 2, it has been suggested that the rehabilitation measures would be new and separate from existing work in the area and would therefore represent a duplication of effort. That is not the case. I am seeking to ensure that, when someone is convicted, there is a pathway for them to receive rehabilitation, if it is suitable, at every step of their journey through the justice system, from court to prison to parole.

When I began the process of introducing a member's bill more than three years ago, I wanted to remove the postcode lottery in relation to whether someone is offered rehabilitation at the point of sentencing. The postcode lottery is still going strong: the roll-out of the Caledonian system and other rehab programmes has been painfully slow, while reoffending rates continue to increase. If the Government's intention is to have rehab available across all local authorities, why does it not support a bill that would drive the change?

Similarly, on the rehab measures in prison, there are already statutory provisions being implemented on throughcare. I am seeking not to duplicate those, but to ensure that, within those measures, there is tailored throughcare specifically for domestic abuse offenders, so it would be a complementary measure.

On part 3, I note that there has been strong support from stakeholders, as the committee heard in oral evidence from organisations including Scottish Women's Aid and Social Work Scotland, for the collection of data and that there is an agreement about the clear need for data on protected characteristics. Again, the Government suggests that that work is under way, but why does it not commit to data collection in primary legislation in order to drive the process on? The Government's memorandum suggests that that would place a burden on charities. However, I have met many charities that already seek to collect that data. I deliberately included in the bill provision to ensure that charities do not have to collect the data, as it would be done on a voluntary basis. The bottom line is: how can we possibly provide the correct support to survivors if we do not understand which victims are engaging with the process? There has been a suggestion that

new staff would need to be trained in the criminal justice system if it becomes mandatory to collect such data. Surely, it is already a prerequisite for roles that involve traumatised victims that staff must be trained in how to best handle such delicate situations?

Part 4 covers school education. The Government has repeated the argument that elements of the curriculum are not contained in statute. Why are they not? There is precedent for that as, in December, we added a new example when the Parliament passed my colleague Liz Smith's Schools (Residential Outdoor Education) (Scotland) Bill. The provisions in my bill are supported by the Scottish Women's Convention and Shakti Women's Aid. They have been deliberately drafted in a way that is not overly prescriptive about what form the education should take. Of course, the considerations for special schools and mainstream high schools will be different, which my bill allows for. I do not understand the suggestion that we should leave out the requirement for education and that it should be up to local authorities to decide which schools should include it in their curriculum. Again, it is a postcode lottery that is based on burdens that are already placed on schools, not on the need for children to have the ability to access domestic abuse education.

I also do not accept the concerns related to the United Nations Convention on the Rights of the Child. My bill would be implemented by rolling out the terms of the current equally safe programme across Scotland, which is a programme that the Government endorses. In that case, how can there be an issue with UNCRC compliance?

Before I conclude, I make it clear to committee members that a number of issues that were raised during the evidence sessions were not fundamental issues of principle, but slight issues with the definitions and the current wording of the bill, which can be addressed at stage 2 and stage 3. I am happy to work with the committee to address some of those through amendments to the bill.

In conclusion, I cannot put into words how passionate I am about the bill and the serious issue that it addresses. I have worked on it for years and have put a great deal of time and effort into it. I have met victims, charities and many others, which has made me even more determined to make changes to how we deal with this horrendous crime. I am happy to take any questions from the committee.

The Convener: Thank you, Ms Gosal. Certainly, there is no doubt about your passion and commitment to the bill. I will kick off with a broad question. As you will be aware, the majority of organisational evidence that the committee has

heard reflects a lack of support, to be blunt, about the bill's ability to achieve the aims that you have set out and that you are clearly passionate about. As succinctly as possible, what evidence do you have that the bill as drafted would achieve a reduction in domestic abuse offences, and reoffending in particular?

Pam Gosal: To be clear, parts 1, 2 and 4 of the bill are based on models that are in operation already in Scotland. Part 2, on assessment of offenders for rehabilitation programmes and services, and part 4, on education, seek to ensure that the provisions for rehabilitation assessments and domestic abuse education are in place across the country. Everyone knows that, right now, there is a postcode lottery for those provisions. I want to ensure that they are included in statute. There is plenty of evidence that rehabilitation is a good thing—everyone on the committee probably accepts that. Similarly, committee members will agree that education and the equally safe programme in schools are also positive.

Part 1 is based on the sex offenders register. Unless I am missing something, in the past, no one has said that there is evidence that the sex offenders register does not work or that it is not value for money. I do not see why things would be different for domestic abuse offenders. I understand that organisations have concerns, but as this is the first time that such a register will have been created for domestic abuse, we do not have exact data on it. The same thing probably happened when the sex offenders register was brought in—there is always a first time for these things. Many bills in the Scottish Parliament have been quite groundbreaking in that respect.

09:15

I can also tell you that, according to the latest statistics, 10.6 per cent of sex offenders who are being monitored have gone on to commit another offence, compared with 27.1 per cent of convicted domestic abusers. Lastly, research carried out by Anglia Ruskin University has found that offenders who are managed under MAPPA are less likely to reoffend than those who are not.

Clearly, the system is broken. The number of domestic abuse cases is getting higher. I just want to make a difference, and I believe that my bill will make that difference. I hope that I have clarified everything.

The Convener: I want to stay with part 1, which you have just mentioned, and refer back to the evidence that we received on 10 December from Detective Superintendent Adam Brown of Police Scotland. He said that Police Scotland was not supportive of part 1 of the bill for a number of

reasons, one of which was that the statutory management of part 1 might

“draw our focus ... away from some of the other processes”

that are already embedded in Police Scotland's response to domestic abuse. I noted that, in your opening statement, you said that you challenged that assertion. Secondly, Detective Superintendent Brown said:

“A key difference between”

existing

“processes and the proposals in part 1 is that those other processes do not require a criminal conviction for interventions to take place.”

I certainly acknowledge that point as very important. Obviously, in any response, convictions are taken into account but, as Detective Superintendent Brown told us, they may not necessarily reflect

“the totality of risk that a perpetrator poses.”—[*Official Report, Criminal Justice Committee*, 10 December 2025; c 4, 5.]

Have you had time to reflect on Police Scotland's comments and how you might amend part 1 of the bill to take account of its views? From a personal perspective, I think that they are important in this context and worth further consideration.

Pam Gosal: Absolutely, convener. It is important that, in light of the evidence-taking sessions that the committee has had, it is open to us to consider where the bill can be amended. That is why bills go through stages 1, 2 and 3 in the Parliament.

I know that there are processes in place—we are all aware of the sex offenders register, for example—but I am merely seeking to complement the system that is already in place and to work with MAPPA. Ninety-five per cent of sex offenders might be on that register at the moment but, from the data, it is not very clear how many of those offenders are also domestic abusers.

I think that my system—

The Convener: Ms Gosal, my specific question was more about your views on the assertion that the resource requirement for part 1 of the bill would draw existing resources away from services that, as you have acknowledged, are already under some financial strain.

Pam Gosal: I said in my opening statement that there would have to be additional resources. At no point in part 1 am I saying that the police or authorities would have to work off the budgets that they have. There will have to be additional resources, and I have made that clear in my financial memorandum.

The Convener: The other part of my question related to the fact that existing processes do not necessarily require a criminal conviction for interventions to take place. Part 1 of the bill is obviously different in that regard. I am thinking back to Detective Superintendent Brown's assertion that the fact that someone has a criminal conviction does not necessarily reflect the full or totality of the risk that someone may face. I am interested in your reflections on that point.

Pam Gosal: I will bring in my colleague Charlie Pound on technical issues.

Charlie Pound (Scottish Conservative MSP Group): We would definitely accept the point that not everyone who presents a risk has been convicted of an offence. The reason why we have modelled part 1 on notification requirements is that there is an element of proportionality, given that you are placing restrictions on those individuals' liberties, in effect, even after serving their custodial sentence, in having to list their address, name and passport details. I imagine that you could only do that lawfully through having a conviction.

MAPPA, MARAC and other systems operate more on a risk basis. MARAC, as far as I understand it, is not a statutory process, so fewer formal burdens are placed on offenders. We are not seeking to take away from that. Police Scotland is part of MARAC and MAPPA, so the intelligence that it receives from our domestic abuse register will help and empower it for the operation of MAPPA, MARAC and multi-agency tasking and co-ordination.

The Convener: We will have to move on, so thank you for that. I will bring in Liam Kerr, followed by Sharon Dowey.

Liam Kerr (North East Scotland) (Con): Good morning. For my first question, Pam Gosal, I would like to go back to the convener's original question, just to drill into something.

The University of Essex research into a register for domestic abuse and stalking offences in England and Wales concluded that

"it seems evident that a register alone is unlikely to bring significant improvements in the criminal justice system's response to high risk and serial domestic abuse and stalking perpetrators".

Can you produce evidence that counters that assertion?

Pam Gosal: Of course, a register alone will not fix everything—we know that. It is only part of the solution. You can see that my bill has four parts. We need to ensure that domestic abusers do not just get away with a slap on the wrist. That is why part 1 of my bill is so important.

Furthermore, I recently spoke about the stats that show that 10.6 per cent of sexual offenders go

on to reoffend, as opposed to 27.1 per cent of all offenders. I also mentioned the research carried out by Anglia Ruskin University on how effective MAPPA is in relation to offenders not going on to reoffend. In addition, a study from South Carolina found that sex offender notification and registration was associated with reductions in first-time offending.

I absolutely understand that the register in part 1 of my bill alone will not be a magic wand, but it is part of the solution. Right now, domestic abuse cases are rising year after year. We need to do something different while complementing the systems that we already have in place.

Liam Kerr: Yes, but we need evidence that it would work. The problem that the committee has is that we have heard evidence that it would not work, but I take your point about the study. If it has not been submitted already, perhaps you could send that to us.

I see that you might want to come back in. Let me ask a further question and then you could address the first point. We have also had evidence that the definition that is used in your bill of domestic abuse offenders does not capture the totality of risk. It might create a two-tier system for domestic abuse offenders, and it might be lead to an inconsistent definition of domestic abuse in Scotland. What is your response to that evidence?

Pam Gosal: In the definition of domestic offenders, we have used the same offences that are contained in the Bail and Release from Custody (Scotland) Act 2023. I do not see how there is any inconsistency there.

For offenders who are convicted of those offences, we decided on thresholds in the bill and, after consulting with various stakeholders, I decided that it would be best to target resources to the most serious and repeat domestic abuse offenders. That approach was suggested by the Law Society of Scotland in response to my initial consultation, but I would be happy to amend any thresholds in response to evidence received by the committee and what the committee feels is right.

Liam Kerr: My final question is on something that I have asked about in previous weeks. The committee has heard that there might be unintended consequences if the bill passes. For example, victims might have a false sense of security, there might be fewer guilty pleas and there might be an increase in disputes in trials about sensitive information. In particular, there might be an increased risk of retaliation, given that a victim might stay with their partner following their conviction. The committee will be worried about that. Can you produce evidence to counter those concerns?

Pam Gosal: I do not accept that point. I have heard that many women fear that reporting the perpetrator will make them more angry, but victims want to be protected from their abusers. My bill will help to achieve that by imposing notification requirements on the abuser so that the police and other justice authorities can act on that intelligence and give victims more protection. If that means more perpetrators going to court for their actions, I welcome that. Court should be less traumatic for victims but it should not prevent us from taking action to prosecute more domestic abusers.

You talked about retaliation, and I mentioned in answer to one of the questions and in my opening statement that it is important that I listen to stakeholders. As I said, I have lived and breathed the bill for three and half years and, on retaliation, I made sure that I listened. It has to be serious offenders on indictment for repeat offences. We know that retaliation happens and we do not want innocent people to be on the register, so we are talking more about serious offences.

Liam Kerr: I will press you on that, because it is important and I want to give you the best chance to counter what the committee has heard. The question that I put to you was that we have had evidence that there might be serious unintended consequences if your bill was to pass. We can all see that the bill has the best of intentions, but we have heard evidence that it might have serious unintended consequences, so I want to give you the opportunity to say whether you can give the committee any evidence that those unintended consequences will not come to pass and that, if the bill's provisions are brought in, the reverse will happen and the hoped-for consequences will come to pass.

Pam Gosal: I repeat that I do not accept that. I am going to be honest here, Mr Kerr. Let us look at the sex offenders register. Do you think that perpetrators want to be on it? Do you not think that perpetrators are angry about it? We cannot shy away from it because of that. I am not sure who it was—I think that it was Agnes Tolmie—but somebody mentioned in evidence that we cannot shy away from the register because perpetrators feel that they should not be on it and should not be tracked or monitored. This is not about the perpetrators; it is about the victims.

You are right to ask whether there is any evidence that perpetrators will retaliate and I believe that we should look at the sex offenders register. People are already on that register and there are already things happening there. I do not believe for a minute that we on this committee or that I as a member of the Parliament should shy away from our responsibilities to say that those people need to be punished, because women are being subjected to absolutely horrendous crimes.

I will ask Charlie Pound if he has anything to add, but I do not accept your point.

09:30

Charlie Pound: One issue that I would cite is around guilty pleas, which you mentioned, Mr Kerr. Pam has been involved in meetings that we have had with domestic abuse victims who have had a lot of trouble when there were guilty pleas; in a lot of their cases, the charges were entirely dropped, without their knowledge or consent.

If our bill means that more domestic abusers are prosecuted, because their failure to comply with the notification requirements is a criminal offence, as is clearly set out in the bill, and if that means that more of them go to jail, that is absolutely a positive thing, in our eyes.

I think that the Crown Office made the point that a very few offenders commit a lot of the offences. If we target them and get them locked up so that they cannot go on to reoffend and cause more harm to women, first, that will absolutely be a good thing, and secondly, it will reduce offending in the long run because we have targeted the most serious offenders. That would be my counter to that point.

Liam Kerr: I am very grateful.

The Convener: I bring in Sharon Dowey.

Sharon Dowey (South Scotland) (Con): Good morning. Could you set out specifically how the provisions in part 1 of the bill will interact with the existing multi-agency arrangements for domestic abuse in Scotland—for example, the multi-agency risk assessment conference, or MARAC, multi-agency tasking and co-ordination, or MATAC, and the multi-agency public protection arrangements, or MAPPA? Could you set out why the current system, in which some domestic abuse offenders can already be managed under MAPPA, is not sufficient?

Pam Gosal: As you know, not all domestic abuse offenders are being monitored under MAPPA. The minister could not provide an answer on how many of them are when I put it to her on 17 December. Indeed, the Scottish Government admitted that 95 per cent of those who are monitored by MAPPA are sex offenders.

With regard to the processes that already exist in Scotland, such as MAPPA, MATAC and MARAC, my bill will simply extend who is monitored to include domestic abuse offenders, so that, in that respect, they are managed in the same way as sex offenders are managed. My bill's intention is not to override the work that is already being done with the systems that are in place; it is to complement that work.

In Scotland, MAPPA currently manages the risk that is posed by sex offenders and certain violent offenders, as those offenders are considered to be more of a risk to the public than others are. My bill simply adds domestic abuse offenders who are subject to the notification requirements to the list of offenders managed under MAPPA.

I accept that some of the offenders who my bill targets will already be covered by MAPPA, as we have heard. However, I do not think that it is accurate to suggest that the inclusion of some individuals, based on an existing risk category in MAPPA, can be a substitute—as I mentioned in my opening statement—for requiring all those who commit serious offences that involve domestic abuse to be included in the notification scheme.

I believe that you, Ms Dowey, asked the minister a similar question to mine, and she said that she would get back to the committee on it, but I have not received any information on the percentage of those covered by MAPPA who are domestic abuse offenders.

Sharon Dowey: The committee has more questions on the data gap, but I believe that my colleague Pauline McNeill will ask those.

We also heard concerns—the convener mentioned this in her questioning—that introducing a statutory register has the potential to divert funding from existing multi-agency work or front-line services. Could you respond to that concern? Would it be possible to balance new funding for the proposed register and the maintaining of funds for the non-legislative multi-agency work?

Pam Gosal: I said earlier that these would be additional resources—I cannot be clear enough on that to the committee. That was a big worry in a lot of the evidence that we took, because money is very tight. We know that it is tight—that is why this is additional funding.

The Scottish Government currently provides enough funds for Police Scotland to monitor the notification requirements that are imposed on sex offenders under the Sexual Offences Act 2003. I am unaware of any representations from Police Scotland to the Scottish Government about wishing to alleviate itself of that existing burden so, if it is good enough for sex offenders, why not domestic abuse offenders, too, but with additional funding?

Funding decisions are of course a matter for the Scottish Government but, in the grand scheme of the Scottish budget, the financial costs that would be imposed by the bill are relatively minor. As I said, it would be 0.5 per cent of the justice budget, which is very minor considering what the budget is. As I said in my opening statement, I know that my bill comes with a significant financial burden.

However, domestic abuse costs the public purse around £7 billion across a three-year period.

It is very challenging to estimate the exact costs of the bill due to a notable lack of data. The committee has heard that the data is not available. It is not even known how many people who are involved in domestic abuse are on MAPPA; that data is not available. However, I believe that the estimated cost of 0.5 per cent of the justice budget is absolutely nothing compared with the difference that we would be able to make through the bill. I hope that that answers your question, Ms Dowey.

Sharon Dowey: Thank you. Convener, I have a question on the financial memorandum. Do you want me to come in with that at the end of the meeting?

The Convener: Yes, I will bring you in at the end. At the moment, I am keen for us to focus on part 1 of the bill, but I will certainly bring you back in. Is that you finished, Ms Dowey?

Sharon Dowey: Yes, thank you.

The Convener: In that case, I will bring in Fulton MacGregor and then Jamie Hepburn. I remind members that we are still on part 1.

Fulton MacGregor (Coatbridge and Chryston) (SNP): Good morning. Police Scotland already identifies high-risk domestic abuse offenders and gathers and holds intelligence on those individuals. I know that you made an opening statement, but can you say a bit more about how the requirements of the bill that you are progressing would be different from the notification requirement system that is already used by the police?

Pam Gosal: In my opening statement and in response to questions, I have said that we cannot just think about it as being a substitute. Right now, only some domestic abuse offenders are being monitored, and that is not good enough. We need a proper system that automatically puts serious and repeat offenders into the system so that we can monitor them. That is why part 1 of my bill, with its domestic abuse register and notification scheme, is so important. It will not allow anybody to drop through the gaps; it will cover all those serious offenders.

As I said earlier, when we asked the minister, she did not know how many domestic abuse offenders are covered by MAPPA. People who are on the sex offenders register will be under MAPPA for their sex offence but someone could be under MAPPA for a number of other reasons as well.

I hope that you understand that there is a lack of data, so it is very hard to say. However, my bill would create important clarity in relation to those offenders. We cannot just provide a substitute.

Some get caught by the current system and some do not.

Fulton MacGregor: Thank you for that answer, but my question was more about the fact that the police already identify high-risk offenders. How does your bill differ from that and how would it change the situation? Did you introduce the bill because you do not know what information the police hold?

Pam Gosal: Thank you for clarifying the question. The police do not recognise every single high-risk domestic abuse offender—that is clear. We have heard enough stories in this Parliament, and enough parents and families have come in, breaking down and distraught, saying, “If only the system knew, if only the perpetrator had been monitored and if only there had been one more chance for safety”. Those offenders, who are mostly repeat offenders, are not covered, and you are absolutely right that the data is not there.

I will bring in my colleague Charlie Pound if he has anything to add.

Charlie Pound: We acknowledge that high-risk offenders are monitored, but I will make two points. First, we do not have information about them. Secondly, the information that the Scottish Government gave on 17 December suggests that lots of domestic abuse offenders—people who have been convicted specifically for domestic abuse—are not on that system. That is what the bill would add to the system and, therefore, to the multi-agency work that goes on across Scotland—that is the part that the bill would add. As a result of the provisions in part 1, hundreds or possibly thousands of offenders would be added to the monitoring process, which would ultimately help the agencies to protect victims of domestic abuse.

Pam Gosal: Can I come back in on that, please?

Fulton MacGregor: Yes, absolutely.

Pam Gosal: I highlight the fact that the register that is proposed in my bill represents a very proactive approach. At the moment, we have the disclosure scheme and other elements, which, as I have said, my bill would complement and work with. Everything is about the poor survivor or the person out there who needs to know whether the person who they are with or are dating is a perpetrator or has been convicted. The onus is always on victims and survivors—we have heard that from them.

The register represents a more proactive approach because, if the bill is passed, the police will sit with a lot more information than they have today, including accurate data on the person's name and address and where they are currently living. Lots of people are talking about possible

amendments to add information on where perpetrators work and what relationships they are in. Such information is very important. Right now, the police do not have accurate, up-to-date data, even on serious offenders—I have heard that directly from police officers and people who have worked for the police. They say that it is sometimes hard to find perpetrators when they go out looking for them. The police might go to five or six different addresses because they do not have an accurate address. My bill would make it an offence if an offender did not provide up-to-date data and information about any changed circumstances. It is so important that the police and the agencies have such information to hand. In that way, the bill represents a very proactive approach.

Fulton MacGregor: My next question is about the intelligence that the police hold—the information on various lists, MAPPA and other systems. You have touched on that. Have you had conversations with Police Scotland about the intelligence that it holds, how that is used and how it is distributed to other agencies when that is appropriate?

Pam Gosal: Yes—absolutely. I have been speaking to the police through my informal consultations. In my questions at the committee meeting that the police attended—I think that it was on 17 December—I mentioned that I had already spoken to the police. I had a meeting with the officer who was in for the committee meeting as well as another officer—a higher-ranked officer, I think. I have to be honest that, on that call, which was the first time that we held an informal consultation meeting, the police were a bit sceptical. They asked me a lot of questions and they wanted a lot of changes to the bill, which I listened to.

After we had that call in the summer holidays, I was shocked in December to note people coming into Parliament and saying something else. On the call, it was said to me—I have the exact wording—that my bill would be “groundbreaking” in putting something like this in place, because it has never happened in Scotland, in the whole United Kingdom or even outside the UK. It would be an absolute first for Scotland. On the call, they also said that they would be interested in the register including information about things such as relationships and where a perpetrator works. In addition, Dr Marsha Scott of Scottish Women's Aid said to me that it would be great to find out where perpetrators work so that, when people go to women's aid organisations, especially victims/survivors, everyone would know that that was covered.

You are absolutely right that the police need a lot more intelligence. The police made that clear to

me in an informal meeting, and they said that they would welcome such information because it would help them to be faster in their investigations. Right now, they have to go from address to address because they do not have up-to-date data.

09:45

Fulton MacGregor: The notification and monitoring system that is proposed in your bill mirrors the one that is in place for sexual offenders. I can understand the principle behind that and, when you first raised it in the Parliament a number of years ago, I remember thinking that I could understand where you were going with it.

However, the committee has heard quite a few concerns about that as we have taken evidence. I will go through them. The Scottish Solicitors Bar Association told us that

“the parallel with sexual offences is limited”,

Police Scotland stated that the tactical benefits from notification

“are more limited in domestic abuse cases than in the case of a sex offender”

and Scottish Women’s Aid told us that MAPPA

“was never designed to work for domestic abuse”.

What is your response to that pretty strong evidence? As others said earlier, we have heard strong evidence against the main proposal in that area.

Pam Gosal: You have put three points to me. I will pass the first two to Charlie Pound, but I will take the final point, which was about MAPPA not being designed for domestic abuse. When the Scottish Government was working to create the Bail and Release from Custody (Scotland) Act 2023, it specified that those subject to notification requirements under the Sexual Offences Act 2003 could not be released early via regulations. The Government also included domestic abuse offenders in that list, using the same definition that we have included in the bill, so I absolutely reject the idea that MAPPA is not designed for that.

Even though we do not have statistics, we have also heard that MAPPA already covers some of that stuff, but that it is not written into statute. To be honest, there is a lack of accurate data, which we asked the minister about. MAPPA was made for sex offenders, but it has moved on and it covers a lot of other things, although those are not covered by statute and it does not say that those things have to be covered. That is why, as I said in one of my earlier answers, it is important that we add domestic abuse. MAPPA deals with sex offenders, serious offenders and the risk to public health, and I would like to add domestic abuse offenders to that list.

I hand over to my colleague Charlie Pound to respond to your first two points.

Charlie Pound: To be honest, we were surprised to hear the comments that you referred to, because there is obvious commonality between the offences. Both are overwhelmingly committed by men and the victims are overwhelmingly women. That is a clear and obvious comparison that the Scottish Government has itself cited, including in responses to questions. When the minister was here on 17 December, she made the point that some domestic abuse offenders are monitored by MAPPA, so there is clearly an awareness of that. I was therefore surprised to hear the evidence that you referred to, because there seems to be a striking similarity between the motivations behind those crimes.

That is why we want to include the two offences in the notification system and it is why the Scottish Government has sought to group them together in other pieces of legislation, such as the Bail and Release from Custody (Scotland) Act 2023. If my memory serves me correctly, the same applied in the pandemic-era legislation that allowed for early release.

The Convener: Staying with questions on part 1 of the bill, I will bring in Jamie Hepburn, to be followed by Pauline McNeill.

Jamie Hepburn (Cumbernauld and Kilsyth) (SNP): My questions relate to part 1, but I have an initial question that is based on Ms Gosal’s opening remarks. It is important because it relates to the process that we are going through.

I might be paraphrasing, but you suggested that the full range of views could not be properly heard over the course of what you described as just two evidence sessions. Is there an inherent suggestion that the process that the committee has gone through has been deficient? Should we have taken longer to consider the bill?

Pam Gosal: I have spent almost three and a half years on the bill. There is extensive information out there, including from survivors that I have managed to speak to. I totally understand and respect the committee. I also sit on a committee and I understand that timetables are tight, so I am in no way saying that the committee has done anything wrong. What I am saying is that there is extensive information out there and I do not believe that two evidence sessions can be enough.

I will give you an example regarding the organisations that wrote to the committee. Around 19 organisations have expressed concerns and are against certain parts of the bill, including three women’s aid organisations. There are then some 24 organisations that are in favour of my proposed domestic abuse register, subject to some

conditions and amendments that they would like to see, and six women's aid organisations that support it.

A vast number of people have provided evidence to the committee, but we have had only two evidence sessions, in addition to my three informal consultations and the initial consultation. Some people think the bill is good and some that it is bad, but some have a lot to add to the bill and amendments to suggest. So, yes, I do not believe that two weeks is enough.

Jamie Hepburn: You said again that we have had only two evidence sessions on the bill. I have taken a bill through the Parliament with the full support of the Government and I recognise the work that goes into that, so I understand the work that will have gone into taking your member's bill forward. You said that you set out to do so three and a half years ago. The cut-off point for introducing a member's bill was in June last year, and you introduced yours in May. Do you accept that the point at which you introduced the bill will inevitably have limited the amount of time that we have to look at it?

Pam Gosal: A lot of this relates to the process of the Parliament. That is not up to me. If it was, I would probably have put the bill in place a long time ago. There are processes that we must abide by and there are stages and certain things that we have to go through. However, at no point did I slack or think that I should do it only by June when I could have done it earlier. I could not have done anything earlier. I gave it enough time to make sure that every voice was heard and that I had gone through the whole process that the Parliament expected me to. I will pass over to Roz Thomson for information on that process.

Roz Thomson (Scottish Parliament): Good morning. The initial stage of a member's bill, before it sees the light of day and is formally consulted on, is policy development. That can be a lengthy process as it involves legislative competence assessment, equalities assessment and sustainable development assessment—all the things that you would expect to see for thorough policy development.

This is a really substantial bill. It is probably this session's biggest member's bill in terms of length. It is a very complex policy area. The bill involves working in a complex legislative landscape in relation to criminal justice, and a number of other bills have been introduced in this session that have interacted with its provisions. Beyond the policy development phase, there must be a three-month consultation process. All those responses have to—

Jamie Hepburn: I understand all of that. I have been an elected member of the Parliament for 18 and a half years. I understand all the processes, but member's bills have been introduced sooner. I will leave that there. My fundamental point is that there was a suggestion of concern about the process that we have gone through but, at the end of the day, the bill was introduced in May and there is limited time for us to take evidence.

I will ask a more specific question on part 1. You mentioned a £7 billion cost to society over a three-year period. Notwithstanding that cost, we obviously want to reduce the impact on women and children. That is the fundamental thing that we want to do, but we also want to bring down that cost. Presumably, part of the intention of the bill is to deter such behaviour in the first place—to bring down such incidents and such behaviour. Is that correct? Is the intention for it to have some deterrent effect?

Pam Gosal: I think that it would have a deterrent effect, but there are a number of other things to ensure such an effect. The intention is that victims are kept safe, too. That is a big thing in my bill.

Jamie Hepburn: I appreciate that, but deterrence is part of it. That brings me on to my next question. The Crown Office and Procurator Fiscal Service and Police Scotland said in their oral evidence that they had not seen any evidence that the provisions of part 1 of the bill would act as a deterrent. Do you have an evidence base to the contrary?

Pam Gosal: Yes. I think that I have already covered such stats. I found, from speaking to many organisations and especially to individuals, that they felt that the bill would have a deterrent effect and that the person might not reoffend. They felt that, had the proposed legislation been in place, certain things would not have happened.

I hope that Jamie Hepburn heard me when I said that the most recent stats show that 10.6 per cent of sexual offenders go on to reoffend, as opposed to 27.1 per cent of all offenders. The statistics clearly show that people who commit sexual offences are less likely to reoffend, whereas people are more likely to do so when the crimes relate to domestic abuse. With the sex offenders register, things have changed, and the bill mirrors a lot of the sex offenders register. We cannot say that the amount of money that has been spent on the sex offenders register is not working.

Jamie Hepburn: So, Police Scotland, which has responsibility for investigating crime, and the Crown Office and Procurator Fiscal Service, which has responsibility for taking forward prosecutions

in criminal cases, are wrong in saying that there is no evidence base for a domestic abuse register.

Pam Gosal: I am not saying that there is no evidence base for it.

Jamie Hepburn: No—they are saying that they have not seen an evidence base for what you are proposing.

Pam Gosal: I am proposing a brand-new domestic abuse register. As I said, I have backed up my position with enough stats from research that has been done in other places.

Jamie Hepburn: I appreciate your position, but I am asking whether you think that the Crown Office and Procurator Fiscal Service and Police Scotland are wrong.

Pam Gosal: I am not saying that they are wrong or that they are right. I make it clear that, with my bill, I am proposing a brand-new system, so there is a lack of data. The sex offenders register, which I am mirroring, is working.

I believe that Police Scotland and the COPFS should give what I am proposing a chance. When we look at what is happening at the moment, we see that many of the measures that have been put in place, including through bills that we have passed, whether they were Government bills or members' bills, are first-time measures. I think that my proposed system should be given a chance. I have proved through stats how it could work. I mentioned the South Carolina model earlier, and I ask Charlie Pound to provide some information on that.

Charlie Pound: A study on the South Carolina model found that a notification and registration system for offenders was associated with reductions in first-time offending. I think that that study was published in 2010. I just wanted to add that to the evidence base.

Jamie Hepburn: Does that counter what Police Scotland and the Crown Office and Procurator Fiscal Service have said about the lack of an evidence base?

Charlie Pound: We are simply setting out what our evidence is. We do not have Government resources available to us.

Jamie Hepburn: Police Scotland and the Crown Office and Procurator Fiscal Service are not the Government, are they?

Charlie Pound: No, although, obviously, they work with the Government.

Jamie Hepburn: I will stick with part 1 of the bill. In our evidence session with the Scottish Women's Convention and Scottish Women's Aid, I was quite struck by—indeed, I was quite surprised by—the significant concerns that they raised about

your bill. Scottish Women's Aid felt that the provisions in part 1 would offer only a "minimal" amount of safety for victims or accountability for perpetrators, and that they would place a "heavy bureaucratic burden" on organisations. What is your response to Scottish Women's Aid's concerns?

Pam Gosal: I mentioned earlier that I have had the privilege of speaking to a majority of women's aid organisations. The committee has also received a lot of responses to the call for views. I am not going to comment on what Marsha Scott said and whether she was speaking for herself or on behalf of Scottish Women's Aid.

Jamie Hepburn: She was representing Scottish Women's Aid, so we must take it at face value that she was speaking on behalf of Scottish Women's Aid.

Pam Gosal: You probably heard my question to her, which was about the difference between what she had said separately to me and what she said to the committee.

However, putting that to one side, the committee will have the responses to the call for views in front of it—I am sure that the clerks will have provided those. I have mentioned how many women's aid organisations support my bill and think that a domestic abuse register is a good idea. I do not agree with what Marsha Scott said, regardless of whether she was speaking on her own behalf or on behalf of Scottish Women's Aid, because you have the evidence from the call for views.

Jamie Hepburn: Surely we have to take it at face value that she was speaking on behalf of Scottish Women's Aid. She was not here to speak on her own behalf, was she?

Pam Gosal: No. I am trying to tell you what the evidence says. I am giving you the counter-argument. I do not think that I am wrong in saying that the committee has received responses from three women's aid organisations that are against a domestic abuse register and six women's aid organisations that support it. Therefore, how can you say that Marsha Scott was speaking on behalf of all the women's aid organisations? I do not agree that she was.

Jamie Hepburn: I am not necessarily saying that. I am talking specifically about Scottish Women's Aid. I am simply making the point that we must presume that Marsha Scott was speaking on behalf of Scottish Women's Aid. Do you not recognise the concerns that she laid out about the bureaucratic burden that the bill would place on organisations? Do you not think that we should take those concerns seriously?

Pam Gosal: If I focus on the bureaucratic side, and not on who Scottish Women's Aid was representing at the time, yes, I do. However, I want to make it clear to the committee that one person came here and was saying one thing but the responses to the call for views are saying something else. The evidence is clearly in front of you. Is that person speaking on behalf of others?

Let us put that to one side and talk about the bureaucratic aspect. I make it clear to the member that I have at no time said that the bill will be cheap. Of course it is an expensive bill—I have not shied away from that—but it will make a difference.

10:00

Jamie Hepburn: I am not talking about costs. I have a question about costs that I will come to in a minute. I am talking about the bureaucratic burden of administration on organisations and the work that would be involved for them.

Pam Gosal: For part 1?

Jamie Hepburn: Yes.

Pam Gosal: I do not think that is the case. A lot of the work that would have to be done under part 1—I have accounted for it in the financial memorandum—would be covered by Police Scotland and other organisations. I do not see how it would be more bureaucratic for Scottish Women's Aid, which is a charity organisation that works with domestic abuse survivors. Could you make that a bit clearer for me, please?

Jamie Hepburn: I do not think that Scottish Women's Aid was necessarily saying that it would apply to their organisation specifically. It was talking about the burden that the bureaucracy would place on Police Scotland, and so on.

Pam Gosal: You are talking about Police Scotland. As I have said, I am fully aware of that and it has been accounted for. There will be work to be done but it will complement the systems that are in place. I do not believe that adding a domestic abuse register to the systems that are in place for sex offenders would not work.

There will be some bureaucracy—of course there will. That happens with any bill. I am sure that every Government bill is full of bureaucracy. However, it is important that we make sure that resources are provided for the provisions in my bill, and I believe that I have done that.

Jamie Hepburn: If that is weighed against the concerns of Scottish Women's Aid that it would provide a "minimal" amount of safety for victims or accountability for perpetrators, do you think that the bureaucratic burden is worth it?

Pam Gosal: I do not agree at all that it will provide a minimum amount of protection. I have spoken to many survivors and many survivors' parents—I know that the committee has not done that. The register would have a lot of information in it to make sure that survivors and victims can be kept safe, and to allow the police to monitor offenders. I do not believe for a minute that the system will be very minimal compared with the actual result that it will provide.

It will keep women safe—especially women. I know that my bill is about men and women, but women are the biggest victims. If we can save that one life, it will make a difference; I do not count that as being minimal—to me, it is a difference.

Jamie Hepburn: I take that point. My final question on part 1 relates to the resources that are involved. I am not going to stray into the financial memorandum, because I know that Sharon Dowey wants to ask questions about that. This probably applies to the bill more widely, not just to part 1. You have said more than once that there is no suggestion that funding for it should come from existing resources. That begs the question of where it should come from.

Pam Gosal: I am not in Government. If I was in Government, I could give you an answer.

Jamie Hepburn: Okay, well, let us pretend that you are. Where should it come from?

Pam Gosal: I am not in Government, but it is only 0.5 per cent of the budget.

Jamie Hepburn: Yes, but I presume that that is allocated against existing priorities. I appreciate that it is for the Government to propose a budget, but it is your bill, so you must have some idea. Do you have any idea where the resource should come from?

Pam Gosal: No. As I said, I am not in the Scottish Government, so I will not sit here and tell the Scottish Government how it should run its business. If I was in power, I would certainly answer that question. However, I would also say to you—

Jamie Hepburn: Well, let us suppose that you were. Where should it come from?

Pam Gosal: Let me finish, please. On where the budget will come from, many things are already happening. For example, equally safe is already happening. Apparently, it is going to be rolled out everywhere. Rehabilitation is going to be rolled out. A lot of that work will be complementary. The register will have costs but it is up to the Government where that money comes from.

I do not have the balance sheet. You ask me what I would do if I were in Government, but I

cannot pretend that I would be in Government, because you—

Jamie Hepburn: You told me that you could, if you were. You just said—

Pam Gosal: I do not have the balance sheet. You are probing at something, but I am making it very clear. To make it even clearer: I am not in Government so I cannot answer your question, because I do not have the balance sheet that shows where every penny is spent, whether that is on bad projects or good projects—I have no idea. I will say that the cost is only 0.5 per cent of the budget. Right now, the Government is spending £7 billion over three years, which is a lot of money. There you go: if you wanted me to say where the money would come from, that is a saving.

Jamie Hepburn: I fully accept that I am probing you on that, which is what we are here to do.

Pam Gosal: That is fine; it is your job.

The Convener: I will move things on as we have covered that point. I will bring in Pauline McNeill, to be followed by Rona Mackay. We remain on part 1 of the bill.

Pauline McNeill (Glasgow) (Lab): Good morning. First, I acknowledge the amount of work that the member has done. Having been in charge of a members' bill myself, although it was a wee bit smaller, I realise that there is a lot of work involved.

You have sort of answered this question but what I am interested in hearing about more concisely is not who supports the bill and their evidence, but what the primary purpose of the register would be, as far as you are concerned.

Pam Gosal: The primary purpose of the register would be to keep victims and survivors safe and to ensure that the notification scheme is in place so that we know who the serious offenders are. Right now, we do not even have the data to see who is covered and who is not monitored or covered. The purpose is to do everything possible to ensure that serious offenders and repeat offenders are monitored so that we know what they are doing and so that police authorities can notify victims and survivors if someone is at risk.

Pauline McNeill: So, do you think that key to making a difference in keeping women safe would be that monitoring?

Pam Gosal: Yes, the monitoring and the register would do that. Earlier, we spoke about the deterrent effect. I think that the register would provide a deterrent. Obviously, I will not go over—

Pauline McNeill: Sorry, can you just answer my question. I am trying to establish the primary purpose, which you are saying is monitoring. Obviously, I recognise that anything that is done

could provide a deterrent, but you are saying that the notification requirements and the monitoring would make the difference. Do you think that any aspect of the register should identify the risk related to an individual offender? Is it correct that anyone who had been convicted of a prison sentence on indictment for 12 months or more would qualify to be on the register for domestic abuse offences?

Pam Gosal: Yes. When you talk about risk, I know that risk has been mentioned a lot, and I absolutely agree that there would have to be a risk assessment in place somewhere. Currently, some risk assessments are already done for sex offenders, so I would not take out that requirement. I do not know the full position.

Pauline McNeill: Your proposal would not involve a risk assessment because, if I have understood it correctly, the requirement to be on the register would be based on the prison sentence and conviction. Would there be no requirement prior to that to assess the risk? I have a reason for asking about that.

Pam Gosal: I will bring in Charlie Pound to answer the technical point.

Charlie Pound: It would be based on the conviction. Let us not forget that receiving a 12 months-plus sentence would be substantial.

Pauline McNeill: I have been on the Criminal Justice Committee for five years so can we take it as read that I understand the seriousness of the offence? That is not why I am asking the question. I am trying to get some clarity. There is an argument that, if we had a smaller register, there would be more chance of monitoring the people who are going to put women at the highest risk. In your proposal, is there no requirement to assess risk? I think that the answer to that is no.

Charlie Pound: There is existing monitoring.

Pauline McNeill: I turn to MAPPA. I have a basic understanding of the approach, so you can correct me if you think that I am wrong. The underlying philosophy of MAPPA is to identify risk to the public. It goes without saying that domestic abuse and domestic violence are very serious offences. However, the MAPPA approach tries to identify where the offender is a risk to more than one person, so not only to the victim but also to the public. Is that your understanding? Correct me if you think that that is wrong.

Pam Gosal: My understanding of MAPPA is that the approach concerns the three categories that I mentioned at the beginning—sex offenders, certain violent offenders and those offenders who are considered to be continuing risks to the public.

As I said, there are people who have committed not only sex offences but also other offences,

which could be domestic abuse offences—as you know, there is no stand-alone domestic abuse offence and we do not even know the stats.

Pauline McNeill: You have talked about MAPPA quite a lot. How does your proposal for a register relate to that approach?

Pam Gosal: I mentioned earlier that my register would complement and work with MAPPA, which already operates in those three areas. I want domestic abuse to be added to the offences included in MAPPA on a stand-alone basis, rather than for cases to come through only if that gets flagged up.

Pauline McNeill: So, do you want MAPPA requirements on those offenders who are on the register?

Pam Gosal: MAPPA, as a multi-agency response, must consider who the offenders are. At the end of the day, the register would not work outside any of the organisations or arrangements that I mentioned, including those that are involved in MAPPA.

Pauline McNeill: I am still not clear. We know what MAPPA is. Are you saying that there would be a role for the MAPPA response in relation to the register? Would organisations that are involved in it go back and identify people off the register whom they think pose the same risk as the people whom they are currently monitoring?

Pam Gosal: I will bring in Charlie Pound for the technical side.

Charlie Pound: People automatically come under MAPPA if they are subject to notification requirements.

Pauline McNeill: So, they would all be covered by MAPPA.

Charlie Pound: Yes.

Pauline McNeill: Everyone?

Charlie Pound: Section 15 of the bill states that.

Pauline McNeill: Do you not then see a distinction between risk to the victim and the wider question of risk to the public? Not everyone on that register will pose the same risk. Why would you want to use the MAPPA resource for every single offender on the register?

Charlie Pound: We believe that such offenders pose substantial risk—that is why sex offenders are subject to those arrangements and similarly, we believe that serious domestic abusers should be, too.

Pauline McNeill: So, you are saying that everyone who meets the test and is on the notification register would be covered by MAPPA

monitoring because you think that all offenders—every single one of them—pose a risk both to the victim and to the public. Is that your position?

Charlie Pound: Yes. They will have been convicted.

Pauline McNeill: Thank you very much.

Pam, you said that we need to do something differently, and I agree with you. However, do you not think that, to do something differently, we should maybe start at—actually, convener, this question is probably not about part 1, so do you want me to leave it?

The Convener: Yes, if you do not mind. I will bring you back in when you want to come back with that question.

Pauline McNeill: I will ask another question about the register. Did you consider the stigma that might be attached to children and families where the father—or mother, for that matter—is on such a register, should the bill be passed?

Pam Gosal: No, I did not directly look at that aspect. However, I spoke to survivors and victims, and they felt that my bill was the right thing to do. If somebody has committed that crime, we need to ensure that the right punishment and monitoring are in place—which, to be honest, would be the case with any bill.

10:15

Pauline McNeill: That is fair enough.

Finally, you will recall that I quite closely questioned the minister, Siobhian Brown, at our previous meeting. The Government has said that it does not support the bill, but she did eventually say to me that there are gaps. Have you given that some thought since then? Any bill that gets to stage 2 would be amended anyway, so have you given any consideration to how you could get the Government on board?

Pam Gosal: Ms McNeill, I am absolutely open to working with the Government and with the committee on any amendments or ideas. I will be speaking to the Government and will listen if the minister wants to highlight any gaps to me. I have spent a lot of time on the bill because of the passion behind it. I grew up seeing domestic abuse and I want to help people, so I am absolutely open to working with everyone to ensure that we have the right legislation to prevent that horrendous crime.

The Convener: I will bring in Rona Mackay before we move to questions on part 2 of the bill.

Rona Mackay (Strathkelvin and Bearsden) (SNP): I would like some clarification about a response that you gave earlier to the deputy

convener, on the definition of domestic abuse. That definition is really important, and we wrestled with it during our work on the Victims, Witnesses, and Justice Reform (Scotland) Bill. The possibility of creating a two-tier system should not be contemplated.

Your response to the deputy convener suggested to me that you are, yourself, unclear about that. Can you clarify what you said and what you would be willing to do to clear up that issue?

Pam Gosal: I think that I was clear, but, for clarity, in the bill's definition of domestic abuse offenders we have used the same offences that are contained in the Bail and Release from Custody (Scotland) Act 2023. That is what I said to the deputy convener.

Rona Mackay: We have heard evidence that your register could create a hierarchy, because serious offenders would be dealt with differently. Your response to the deputy convener suggested that you were wavering on that, which is why I want some clarification.

Pam Gosal: I do not believe that I was wavering, but, as I said, if someone feels that there should be an amendment to the bill to alter the thresholds, I will be happy to work with them.

Rona Mackay: Do you understand that the thresholds are very important?

Pam Gosal: Absolutely. On those, when I began working on the bill, some of the organisations that also came here to give evidence asked me what I would do in the cases of women who retaliate and what sort of offences the bill would cover. They asked me what would happen if there were blanket offences that covered everybody. That was one area where I really listened to stakeholders and victims to ensure that my bill would make a difference.

Honestly, Ms Mackay, I am open to any amendments and to looking at the thresholds. I know that the committee has discussed whether we should cover only offenders on indictment, only repeat offenders or a lot more people. I am quite open to using the stage 2 and 3 mechanisms.

Rona Mackay: On your point about retaliation, Shakti Women's Aid brought up the issue that a woman who retaliated in self-defence could end up on the register. How would you respond to that?

Pam Gosal: I have spoken to Shakti informally many times and have heard that. My bill is there for serious offenders, not for someone who retaliates. That is why we set such a high threshold.

I will bring in Charlie Pound to talk about the technical stuff.

Charlie Pound: The reason that the notification requirement was set at the 12-month point was because we do not believe that people who retaliate are likely to be captured in the register by that definition.

However, I reiterate Pam's point that if any member of the committee or anyone from the Government has any proposals to amend those thresholds so that they are more appropriate, we will be happy to listen. Ultimately, we want to make sure that we are capturing the right cohort.

Rona Mackay: We take that point seriously, because it was made by someone who works with domestic abuse victims day in, day out. They raised that issue, which I thought was quite alarming.

I will move on. I have a concern, which we have also heard from witnesses, that the register would duplicate work that is already being done. I also go back to my colleague Jamie Hepburn's point about the administrative burden. I want you to give us your views on whether you think that that is the case.

I have to admit that I was a bit alarmed when I heard you say that we should give this bill a chance. Do you think that it is appropriate to introduce legislation to give it a chance?

I also need you to be clear that you do not think that duplication would be a problem.

Pam Gosal: I do not believe that what you are saying is correct. I do not agree with that.

Rona Mackay: Do you think that it is appropriate to say that we should give it a chance?

Pam Gosal: That terminology was used among other comments that were made. Obviously, there is passion about this on the side of the people I have spoken to, who are victims and survivors. So, I am not sitting here—

Rona Mackay: No—that is what you said 10 minutes ago.

Pam Gosal: Yes, but I was giving evidence on where things are working and where they are not. I have been sitting here for more than 50 minutes, and I have been grilled on quite a lot of the questions—which is absolutely right; I should be scrutinised. When I say that we should give the bill a chance, I mean that I think that that must be considered along with all the information that I have provided.

I do not believe for one minute—I also answered this earlier on—that part 1 of my bill would duplicate anything. It would complement the systems that are already in place. It would also ensure that people would not fall through the gaps and that we would not just sit there, assuming that

those people had been monitored in some way or other. My bill would have concrete provisions to ensure that those people would be monitored.

Rona Mackay: I appreciate your conviction that that is the case, but we must take into account the evidence that we have heard from other people. If every bill in the Parliament was introduced just to be given a chance, that would be ludicrous. I am pointing out that that amplifies my concerns that there might be an overlegislation problem here.

You say that the bill would complement existing systems, and I appreciate that that is your view, but we have heard evidence that it would lead to a duplication of work that is already being done. I am just putting that out there. That is one of my major concerns about the bill.

Pam Gosal: Absolutely—as a member of the committee, you are well entitled to put that out there, but I think that it is a bit unfair to me to mention that I said that we should give it a chance without acknowledging the context of all the information that I have provided in the past 50 minutes or more.

Rona Mackay: You said those words.

Pam Gosal: I said them in the context of all the information and evidence that I have provided in this discussion. I did not just say suddenly say those words alone, with nothing else.

Rona Mackay: Were you quoting someone else, or is it your thought that we should give it a chance?

Pam Gosal: No, I was not quoting. I was saying that some bills that go through the Parliament contain first-time measures—we have never done them before. Absolutely, we—

The Convener: Ms Gosal, I wonder whether I can draw a line under this point. Ms Mackay has made a clear point. I agree that the comments that Ms Mackay referenced were made by you, but we really need to move on in the interest of time. Thank you, both.

I will end our questions on part 1 of the bill. We are short of time, so I propose that we extend the session by around about 15 minutes, if that is suitable for Ms Gosal and others on the panel.

With that, I will move to part 2. I have one question, which is on the assessment of offenders for rehabilitation. Ms Gosal, the committee has heard evidence about the inconsistency of availability of rehabilitation programmes and services. I do not think that there is any doubt about that. There is scope for a lot more to be provided across Scotland. However, we also heard evidence that it was not particularly clear how the provisions in your bill would address that.

I will therefore ask you this brief question—and I ask for a brief answer. Do you agree that, rather than introducing additional legislation and having everything that goes with that, there is scope to continue to develop and expand existing rehabilitation programmes and services that do not require the underpinning aspect of legislation?

Pam Gosal: No. I believe that the proposed statute is very important, because we currently have a postcode lottery. Certain local authorities have services available. There are other programmes, too. It is not for me to say what rehabilitation programmes should look like, or whether they would come under the Caledonian system or not. However, it is for me to ensure that an assessment would be in place, from court to prison to parole, and it is very important to put that in statute. That has not been done or rolled out so far, and the process is painfully slow.

Governments will change and certain things will happen. Funding will move around. It is so important to have opportunities for rehabilitation in place at every stage.

The Convener: If I can press you on that point, I am interested in what rationale you think there is whereby introducing legislation would make a tangible difference to local authorities' ability to improve and expand existing rehabilitation services.

Pam Gosal: I will bring in Charlie Pound to talk about some of the technical stuff on that.

Charlie Pound: We are looking to emulate models that already exist. Throughcare standards were brought in under the Bail and Release from Custody (Scotland) Act 2023, but that does not mean that the programmes are being delivered. Ultimately, that is because of a funding decision for which the Scottish Government is responsible. We want to ensure that there is a statutory footing, and that is why the bill is worded to cover the three different points that Pam referenced: the court stage, prisons and parole.

The Convener: If no members want to discuss part 2—I am not getting any indications—we will move on to part 3, which relates to data collection and reporting. You have alluded to that in your opening statement, Ms Gosal, and in your responses to questions.

I have a question about collecting data. In particular, can you clarify the purpose of collecting the data specified in the bill? Is it to improve services for victims, or is it about understanding the dynamics of domestic abuse more widely?

Could you also clarify something in section 24, which is that the phrase

"victims under the age of 16"

refers to children who are experiencing domestic abuse from a partner or ex-partner and to children who are victims of domestic abuse involving their parents? I would be interested to get a little bit more context on the proposition on data that you have made in the bill.

Pam Gosal: I will pass the technical side of the under-16 partner stuff to Charlie Pound, but I will cover the other area that you have mentioned.

I have looked into this area, and we need to improve services and everything that you have been speaking about. At this moment, we are not collecting data on disability or ethnicity, for example. Coming from an Asian background myself, and having spoken to representatives of Shakti, Amina, Sikh Sanjog and many other organisations, I can say that one size of service does not fit all, as we have heard many times in the Parliament. Dealing with a domestic abuser or a victim from an Asian background will be very different from dealing with one from a western background. It involves dealing not just with the abuser but with the family and the community, and that has a much wider effect for the person concerned.

We need to understand that, if, say, 100 people from ethnic backgrounds are coming through—whatever their backgrounds are—and they are facing issues, we need to have the right services in place. However, it is not just a question of the right services and organisations dealing with such cases. We must ensure that when the police collect that data they are fully aware of how to treat this sensitive issue and that they know what they are dealing with.

10:30

In relation to data on disability, in the early days of my work on the bill a victim reached out to me to say that she had called the police on a perpetrator, who was her husband. Because she had slurred speech the police thought that she was drunk and put her in a room while they spoke only to the perpetrator. It is so important that we have the right services and that they deliver for the right people.

I find it shocking that, to this day, we are still not collecting data on protected characteristics when we collect that information for so many other reasons. Organisations and charities—which the committee is more than welcome to write to—are all collecting that data already. They told me that. I have made collecting data voluntary in the bill, so there would be no onus on charities to do too much, but I feel that if they collect it they will also provide it.

The Convener: Does Charlie Pound want to come in on that point?

Charlie Pound: I will come in on the point about under-16s. My understanding is that the reason for that aspect being in a separate section is that different data collection rules apply for under-16s. Putting it in a separate section would give the Scottish Ministers the powers to change the rules if they were not appropriate for those over the age of 16.

Pam Gosal: Sorry, convener, can I mention some other evidence? “The Independent Strategic Review of Funding and Commissioning of Violence Against Women and Girls Services” identified that there is currently a lack of

“disaggregated intersectional data and research with minoritised groups”.

It also highlighted that the current lack of a core data set

“hinders”

the ability of public bodies

“to undertake a range of work such as local needs assessments”.

I want to put it on the record that a review has already identified the lack of data.

The Convener: Thank you for that. We will leave that issue there, because I do not think that there is any argument that there is scope to improve data collection. Some of that derives from practice and society moving on.

Rona Mackay wants to ask a question that relates to comments made by the Minister for Victims and Community Safety at our last meeting.

Rona Mackay: Yes, I will quickly ask about that. The minister told us that there are opportunities to progress aspects that would come under part 3 of the bill by using non-legislative measures and that the domestic abuse justice partners round table has been carrying out

“a data-mapping exercise, including identifying ... gaps and ... opportunities ... for improvement.”—[*Official Report, Criminal Justice Committee*, 17 December 2025; c 10.]

What is your response to that? What would the provisions in your bill achieve that non-legislative means would not?

Pam Gosal: I mentioned earlier that my proposed bill was published more than three years ago. The Scottish Government was fully aware that I was working on the data stuff as part of it. During those three years, things have moved on, but the Government still has not published the type of information that was set out in my original proposal, nor has it done anything about it. Victims and charities want action now. The bill would achieve that rather than us having to wait for the Scottish Government to keep a promise that it made more than three years ago. Such simple information could make a massive difference, so it

is important that we put it in statute now and we do not have to wait to see what the Government will or will not do.

The Government's work would complement the bill. At least, I hope that it would—I have no idea what the Government is doing, because the information is not in the public domain. However, we cannot wait—as we have done for more than three years now—for such important data. People with disabilities and those from ethnic backgrounds want the information, help and services today.

Rona Mackay: Have you pressed the Government on that?

Pam Gosal: I have. I spoke to the Government at one of my meetings with it, and I was told that it was looking at the issue. As we sit here, nearly a year on, I have not heard anything more. All that I keep hearing is, "We are looking at it." It is very important that we put it in statute and that we do not wait for the Government to change, for other things to change or maybe for promises to be broken. People need the information now.

The Convener: I think that Jamie Hepburn wants to come in with a question on part 3, after which we will open up the discussion to any other members before we move on to part 4.

Jamie Hepburn: I have a couple of questions to raise on part 3. There may be more specific points in the financial memorandum that Sharon Dowe may want to pick up on, but some concerns were expressed by organisations involved in data collection and reporting around the type of support and resources that would be required for them to be able to do that work. To be fair, you covered some of that in relation to charitable organisations, where there might be a more voluntary approach, but I understand from the bill that there would be a requirement on statutory agencies. What is your response to those resourcing concerns?

Pam Gosal: As you said, I have made it quite clear that, for charities, it is voluntary. We are not telling charities, which have less funding and fewer resources, to come out with that information. I cannot reiterate strongly enough how much great work the charity organisations are doing out there. They are collecting all that data already—they have to collect it so that they can provide it to the Government and other funding agencies in order to prove to them that there is a problem or an issue that they need more help with. In proving that, they have to take a bottom-up approach to providing information, but there is no mandatory approach.

You are saying that there will be more work for officials—for example, in the police—in collecting that data. I do not know their exact workings, but I would assume that, when the police put such

information on their database, it would not be very onerous or costly for them if we asked questions at that point, given that they already have a database. As an ex-trading standards officer who worked with software and systems, I know that tabs can be added on.

That information, when it is collated together, delivered and published, will make a difference, because that is when we will see where funding should go, what should be happening and where the gaps are. We will also be able to look at the difference between what the Government or police are recording and what organisations are recording. A lot of victims do not go to the police and instead go to an organisation. Data collection will help in a number of areas. I do not believe for a minute that collecting that data would be overly bureaucratic or that there would be a great need for resources. I think that we could fit that work into the current systems very easily; indeed, we should be doing that already.

Jamie Hepburn: The committee was told that it would require systems upgrades for the Crown Office and local government. We did not quite get into the detail of adding tabs and so on, but what I took from them was that it would not be a straightforward process and would be resource intensive. Have you come up with any assessments of what the cost might be? I do not think that you went into too much detail on that.

Pam Gosal: I still do not believe that there will be a large cost to that work. I spoke to the police about it. I do not know the exact systems that they use, but they said that certain things could be added and that it would be quite easy for us to use that information. For example, we know that 66,000 cases were reported to Police Scotland because somebody has collected that data. Of those 66,000 cases, however, how many involved victims who were disabled, of ethnic background or had other protected characteristics? We do not know, so we cannot tailor our funding, our services or the services that domestic abuse organisations provide.

I am not an information technology specialist, and I will not pretend to be one, but what I was told was that tabs could be included right through the system. I would hope that, when you take information from the police, that information is passed right through the system.

Jamie Hepburn: You clearly had a detailed conversation with Police Scotland. What did the Convention of Scottish Local Authorities and the Crown Office say when you spoke to them about the issue?

Pam Gosal: I have not spoken to COSLA or the Crown Office about the issue. However, I spoke to

the police about it, and they said that it could be done.

Jamie Hepburn: That is fine, but you have no information on the others, because you have not engaged with them on it.

Pam Gosal: No. I engaged with Dr Emma Forbes from the Crown Office, but I did not ask that question.

Jamie Hepburn: Sorry—that is what I meant. I have no doubt that you have spoken with the Crown Office—I would be surprised if you had not—but I meant that you did not ask about this specific issue. That is useful to understand.

This is my final question on part 3, convener, which is on an area that I think is important. Concerns have been raised about victims possibly being asked the same questions multiple times by multiple organisations, which could lead to some form of retraumatisation, and about the approach in the bill not being trauma informed. Have you considered that? Is it a concern for you? It would be a concern for me. Are you concerned that such an approach could retraumatise victims?

Pam Gosal: We are happy to amend the bill to ensure that victims are not asked the same questions about the same incidents. Multiple agencies are included in that part of the bill so that as much data as possible can be captured. However, we obviously want to avoid any duplication of questioning.

I hope that, when a victim goes into a police station to report a crime, that information is passed down through the whole system right to the court, and that the approach changes only if the circumstances or something else change. I hope that our systems speak to one another right through the process. A victim should never have to go through so much questioning.

Jamie Hepburn: If the bill requires amendment, do you agree that there is the possibility that, as drafted, it could retraumatise victims?

Pam Gosal: I do not accept that it could retraumatise victims.

Jamie Hepburn: Then why are you saying that you will amend the bill?

Pam Gosal: If any amendments need to be lodged in relation to that aspect, I am quite happy to do that. However, I do not believe that victims will be retraumatised, because the information will be asked for at the point of contact with the police. I am sure that the police ask for a lot of information when a victim comes in. Therefore, there would be no difference between asking for that information and asking for this information.

Jamie Hepburn: Okay.

The Convener: I will conclude that line of questioning.

For Ms Gosal's benefit, I add that the practice across agencies that are responding to domestic abuse nowadays certainly does take into account the need to minimise trauma and, therefore, a lot of information sharing across organisations is done with consent. I share the concerns that Jamie Hepburn alluded to with regard to the risk that some of the data collection proposals in the bill might compromise trauma-informed approaches.

We move on to part 4, on school education, with questions from Katy Clark. Any other members who wish to ask questions on this theme can indicate that to the clerk.

Katy Clark (West Scotland) (Lab): I want to ask about how we deal with these issues in schools. You will have heard what the Scottish Government said when the Minister for Victims and Community Safety gave evidence to the committee. She took the view that putting the matter in statute would not be in line with the current discretionary and non-prescriptive approach to the delivery of learning and teaching.

Why do you think that there should be something in statute in relation to education on domestic abuse? Do you think that it might be helpful if the bill's provisions were broadened out? We know that a significant problem exists with sexism and misogyny, including in school settings. Do you think that the provisions should be wider than domestic abuse and that that part of the bill should be about ensuring that, in the curriculum, we deal more widely with sexism and misogyny, including domestic violence and violence against women and girls?

There are two parts to my question. First, I would like your justification as to why you think that education on domestic abuse should be statutory. Secondly, I would like to know whether you have given any consideration to the provisions potentially being broadened out.

Pam Gosal: First and foremost, I believe that the domestic abuse education should be present in all schools and that there should not be a postcode lottery—I mentioned that earlier with regard to rehabilitation. We believe that, if that early intervention were to be rolled out across the country, there would be a dramatic change in attitudes towards domestic abuse, which could lead to a permanent reduction in the number of crimes that are carried out.

That is a chance that I do not want to miss. We know how important early intervention is, which is why I believe that we need to put domestic abuse education into statute. We have been waiting for domestic abuse education to be rolled out. A

number of different education programmes are delivered in schools, some of which include a domestic abuse element and some of which do not. There is no consistency. It is a postcode lottery.

10:45

You referred to the issue of what should be in the curriculum and whether the inclusion in the curriculum of domestic abuse education should be provided for in statute. In my opening remarks, I mentioned my colleague Liz Smith's Schools (Residential Outdoor Education) (Scotland) Bill. A lot of the questions about my bill were answered in relation to that bill. Sometimes, things that one might think should be in the curriculum are not in it. Liz Smith's bill has proved that certain aspects of education can and should be provided for in statute. A precedent has been set in that respect.

You mentioned areas such as misogyny and sexism. I can cover only the very important issues that my bill includes. Early intervention on domestic abuse is important not only in enabling children not to go on to perpetrate domestic abuse when they grow up and to understand that it is a serious crime, but in giving them awareness of the need for intervention if they see it happening in their house or elsewhere.

I do not shy away from the fact that there is misogyny and sexism in our schools. I think that it is a growing concern. However, it is important that we cover domestic abuse, as my bill seeks to do. I have spoken to many people, including organisations that are dealing with the issue, most of which talk openly about the fact that the issue has blown up in the past year. They think that domestic abuse education has a role to play in relation to some aspects of misogyny and sexism, but not in relation to others.

I believe that it is important that we make statutory provision for domestic abuse education through my bill, to ensure that there is no postcode lottery. There needs to be early intervention. We need to cover this area, rather than waiting for another year or two.

Katy Clark: I understand what you are saying, and I understand your frustration.

The bill includes provisions on a lot of different issues, and I am not sure how much time you have been able to devote to part 4. You have said that there is a postcode lottery. Are there any examples of good practice that you can point to that you would like to be rolled out throughout the country? Have you had the time to look at examples of good practice, given that there is so much in the bill?

Pam Gosal: I have been working on the bill for more than three years, and I have looked at each area very carefully. I have spoken to many stakeholders in each area. We already have the equally safe at school programme—we are well aware of that—but my bill does not seek to set out what the domestic abuse education provision should look like or how it should be shaped. The bill is not prescriptive in that regard, as I said in my opening statement. I am—

Katy Clark: I am sorry to interject, but do you have any examples of good practice? Have you been to a school where you have seen good practice, or do you have evidence from the consultations that you have done, whereby people have identified work that has been done in a particular school as a really good programme that they think had an impact? From the work that you have done, is there anything to which you can point us to give us an idea of what you are saying should happen in every school?

Pam Gosal: I know from my meetings with women's aid organisations and other organisations that a lot of good work is being done, including in my area of East Dunbartonshire, in addition to the equally safe at school programme, which goes into schools. Many organisations are working in this area. They have highlighted a number of programmes to do with domestic abuse. There are a lot of them, but I cannot name them all.

In our initial consultation, there was a lot of support for the provisions on domestic abuse education—94 per cent of respondents supported the bill's proposals to make the provision of domestic abuse education statutory. That is a higher level of support than other parts of the bill received, although they, too, received high levels of support, such as 89 per cent and 92 per cent. I just wanted to highlight that.

Katy Clark: That is helpful. We will look at the example of East Dunbartonshire, because, as you know, violence in schools is a big issue in that area in particular.

The committee heard evidence that the provisions in part 4 that relate to the ability to remove a child from any domestic abuse education, might not be compliant with international obligations and the UNCRC. Was that raised with you at any point? Was it considered when you drafted the bill? Having gone through the member's bill process, I know that such matters are often looked at. Will you respond to the suggestion that the provision might not be compliant?

Pam Gosal: I will come back to that, Ms Clark, but if it would be helpful I can certainly email the committee with information about some of the good programmes that are going on in East Dunbartonshire and those that involve other organisations, which you asked about earlier.

Katy Clark: That would be very helpful.

Pam Gosal: I will do that.

The provision was considered during the drafting of the bill, and we believe that the legislation is compliant with existing law. Having said that, I am happy for the legislation to be amended if committee members feel that there are contradictions that need to be addressed or things that need to be changed. For example, implementation of my bill would involve rolling out across Scotland the terms of the current equally safe programme, which is endorsed by the Government and in relation to which no concerns about UNCRC compatibility have so far been raised. I do not believe that my bill is outwith any existing law.

Katy Clark: When we took evidence, one issue that was raised was how domestic abuse programmes and education could potentially be very traumatic, particularly for children who have directly experienced domestic abuse. Did you consider that in the work that you did?

Pam Gosal: Absolutely. I have spoken to many organisations. Currently, a lot of work is being done, but, as I said, some places have programmes in place and some places do not. We absolutely need to consider that. A number of programmes are already delivered in schools, not only on domestic abuse but on other issues in relation to which schools have to consider the situation that you mentioned.

Pauline McNeill: I want to follow on from Katy Clark's line of questioning about the need to tackle misogyny in schools. You said—and I agree—that we need to do something different, but do you agree that, in order to get longer-term results in the prevention of domestic abuse, domestic violence and sexual violence, we need to tackle misogyny among boys and young men? Is that not more of a priority than dealing with offenders at the other end?

We do need to tackle misogyny among the youngest boys. I have done some work in schools with Katy Clark, and we heard boys as young as 10 and 11 giving cause for concern, due to the attitudes that they are already forming. Do you agree that some consideration should be given to what we do at that end of the spectrum?

Pam Gosal: As I have said, Ms McNeill, I am not dismissing what is happening in our schools—it is a big issue. However, it is important that we

look at domestic abuse, which is what my bill is identifying. That is not to say that it cannot be amended. A proactive approach is important, because those children can sometimes go on to be domestic abusers, but we also need a reactive approach, because things are happening now and we need to consider what can we do about them.

As I have said, it is not for me to prescribe what the education programme will look like. It is for me to say that this system and statute should be in place, and that education should be provided to every child in every school and should not be dependent on the local authority or on a postcode lottery.

Pauline McNeill: Does that mean that you do not think that we should focus specifically on boys?

Pam Gosal: To be honest, my bill's focus is on domestic abuse, but I am not saying that amendments cannot be made, and I am not saying that somebody else cannot introduce legislation or something like that. I do not know.

Pauline McNeill: I was just wondering what you thought about it, though. Do you not think that the focus in education should be on boys? We both agree that violence against women and girls is primarily committed by men, but you think that education should not be specifically—

Pam Gosal: I think that it should be on a number of things. I agree with what you are saying. There will not be a one-size-fits-all solution, but we can start by doing certain things and then look at what the Government and others are doing. There is a major problem in schools, but I know that the bill's proposal to put domestic abuse education into statute has strong backing.

Jamie Hepburn: Returning to UNCRC compliance, I did not, to be frank, think that this would be raised as an issue in evidence, but the Crown Office and Procurator Fiscal Office flagged it almost as an aside.

Indeed, I was struck by what was said when I asked about the matter in our evidence session with the COPFS and the Law Society of Scotland. You have said that you are clear that the bill has no UNCRC compliance issues, but I will quote from the *Official Report* of a previous meeting. When I asked Dr Forbes from the Crown Office and Procurator Fiscal Service whether she had

“the sense that not enough thought has been given to the issue of compliance with the UNCRC at this stage”,

she replied:

“I did not see it addressed in the policy memorandum, I have to say.”

When I further asked Dr Forbes whether she felt that not enough due consideration had been given to the issue and whether there was

“a possibility that the bill as drafted might fall foul of our legislation with regard to compliance with the UNCRC”. — [Official Report, Criminal Justice Committee, 10 December 2025; c 23.],

she gave a preamble but, effectively, her answer to the question was yes. Why is the Crown Office and Procurator Fiscal Service wrong and you are right?

Pam Gosal: I will pass to Ailidh Callander to give you the technical side of things.

Ailidh Callander (Scottish Parliament): UNCRC compliance was considered at the policy development and drafting stage, as it is with all bills. As has been flagged, the bill’s provision allowing parents to remove children from domestic abuse education is modelled on section 9 of the Education (Scotland) Act 1980. That provision is currently under consideration for amendment through the Children (Withdrawal from Religious Education and Amendment of UNCRC Compatibility Duty) (Scotland) Bill, which is still making its way through the parliamentary process. That is where the issue has arisen.

As the member has mentioned, the bill is not prescriptive about how domestic abuse education is to be delivered, and flexibility has been built in through the guidance that is required to be provided to education authorities, as well as the option of standards via regulations. It was considered that those two mechanisms offered a vehicle for ensuring that the guidance was provided so that, if a child was being withdrawn from domestic abuse education, an opportunity would be given for them to give their view.

That is not to say that an eye cannot be kept on how the current legislation that is progressing through the Parliament develops and on its final form when passed. We will consider whether anything needs to be taken from that legislation, bearing in mind the sensitive context of domestic abuse education. It was considered that the regulations and standards provisions allow flexibility for provision to be made.

Jamie Hepburn: Dr Forbes said that she could not see compliance with the UNCRC being addressed in the policy memorandum. Why did she say that?

Ailidh Callander: There is a statement on the bill’s compatibility with the UNCRC.

Jamie Hepburn: There might be a statement, but she is saying that there might not be enough detail. I have not looked, but I know that there will be a statement saying that you consider the bill to be compliant. What work has been done to

demonstrate that the matter was given due consideration?

Ailidh Callander: A full UNCRC risk assessment would have been done in the background.

Jamie Hepburn: I have one final question for Ms Gosal. What would you say in response to the Crown Office and Procurator Fiscal Service and the Law Society of Scotland if they flagged concerns about the UNCRC compatibility of other bills?

Pam Gosal: Ailidh Callander has made it clear that there is a statement on that in one of the documents. I do not type the documents—

Jamie Hepburn: I am asking what you would say in response if they raised the same issue about any other bill.

Pam Gosal: We need to see the outcome of the Children (Withdrawal from Religious Education and Amendment of UNCRC Compatibility Duty) (Scotland) Bill, which is being debated in the Equalities, Human Rights and Civil Justice Committee, of which I am a member. We will take note of any amendments that are passed. At the moment, as Ailidh Callander has said, we are not being prescriptive about what the education programme should be—the bill is high level in that respect.

We need to see what that legislation brings, but if any change needs to be made, we will be happy to make it. The non-Government bills unit puts that stuff together, not me, as I am sure the member knows. It has put in that information and we are happy to send it to Ms Forbes if she requires it.

11:00

Charlie Pound: First, we are happy to make any changes. Secondly, I am sure that Mr Hepburn will be aware that the Scottish Government has struggled with the issue. Its legislation on incorporating the United Nations Convention on the Rights of the Child in Scotland was initially struck down in the courts for being non-compliant.

Jamie Hepburn: I am aware of that.

Charlie Pound: It is a difficult issue.

Jamie Hepburn: So, you would be willing to make changes to the bill to make this bill UNCRC compliant but, right now, you think that it is.

Pam Gosal: At the moment, we are saying is that it is fine but, obviously, other things are coming out.

Jamie Hepburn: Okay.

The Convener: I will draw a line under that line of questioning, because we are well over time and there is still one final question to be asked, which is on the financial memorandum.

Sharon Dowe: On part 1 of the bill, Police Scotland has stated that it is

“not of the opinion that the significant investment of budget and resources needed to meet its requirements are proportionate to the potential benefit.”

In addition, the memorandum from the Scottish Government states 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”.

What are your views on those statements?

Pam Gosal: As I mentioned earlier, I believe that the issue is very clear. The public purse is spending £7 billion over a three-year period, and I am asking for only 0.5 per cent of the justice budget for this work. It will help, and it will bring down costs, but I am not saying that it is cheap. As I have said, the bill, especially part 1, comes with a cost.

The other areas that I have highlighted in my answers to questions and in my opening remarks do not involve significant costs—that should be made clear. The majority of the cost will be down to the register.

I ask Roz Thomson and Charlie Pound whether there is anything to add from the financial side.

Roz Thomson: I will probably not comment on the issue of benefit versus cost, as that is a matter for the member, and she has just commented on it.

The financial memorandum sets out best estimates as far as is possible, based on available data. Where there was a lack of data in some areas, it was considered pragmatic to make assumptions based on the more generous side of the estimates. For example, there is no clear information on exactly how many individuals are currently covered by MAPPA with regard to the domestic abuse offences listed in the bill and who would therefore be caught by it; therefore, the largest cohort that we could find was identified, and the estimates were based on that. That came from a series of parliamentary questions from the member.

Charlie Pound: I have nothing to add, except to say that the written questions are a matter of public record. There was not too much data, and the bills team did an excellent job of piecing together what was publicly available to come up with the financial memorandum.

Sharon Dowe: Finally, when you attended the Criminal Justice Committee on 25 June to give

evidence on the bill, you stated that your bill would cost, at most, £23 million but would result in savings of

“£7 billion over a three-year average period of abuse.”—*[Official Report, Criminal Justice Committee, 25 June 2025; c 4.]*

Given the views that you have heard from stakeholders and the response that we have had from the Finance and Public Administration Committee on the cost of the bill—specifically, the cost of setting up and maintaining the register—have your predicted costs changed in any way?

Pam Gosal: On that matter, we will stick with our answers to those questions. I do not think that the costs have changed at all. I believe that certain technicalities, on which I am not an expert, have to be looked at in more detail, but I do not believe that the costs that we have put in have changed significantly from the evidence that you have already taken.

Roz and Charlie, do you have anything to add?

Roz Thomson: No, I do not think so.

Charlie Pound: As has been said, we were only piecing together the information that we were able to get from parliamentary questions and search hits. If the Government had given us more data, we could have put together a picture with more evidence. However, when we asked those questions of the Government, we were not able to ascertain a lot of that information.

The Convener: I think that Jamie Hepburn wants to come in on the Finance and Public Administration Committee correspondence. As we are well over time, I must ask him to be very brief.

Jamie Hepburn: I will be, convener. My question picks up on Sharon Dowe’s points but more specifically on the Finance and Public Administration Committee’s comment to us, Ms Gosal, that your assumption in the financial memorandum—that each caseworker who deals with MAPPA notification requirements has a case allocation of between 50 and 60—is not correct. It says that, according to COSLA, that

“is in ‘direct conflict with the Social Work Scotland Setting the Bar report, which advised that 20-25 cases per worker was manageable and safe’”

and that

“East Renfrewshire Health and Social Care Partnership, South Lanarkshire Council, and Police Scotland agreed with COSLA’s view that the FM sets an unrealistic caseload target.”

You have just said that you do not think that there will be any changes to your estimate, but how do you respond to what the committee has said?

Pam Gosal: I will bring in Roz Thomson, but I will start by repeating what Charlie Pound has just

said—we were playing with the statistics and figures that we had to hand. Unfortunately, what we got from the Scottish Government and other agencies is all that we had to play with.

The data from the Government was not even clear on how many domestic abuse offenders were on the sex offenders register. I absolutely agree that there might be some underestimates and some overestimates, but I can only work with the information that I have.

Roz Thomson will come in on some of the technical details.

Roz Thomson: The financial memorandum deliberately provides a range of costs—between £17 million and £23 million, roughly—to allow for underestimates or overestimates. I have seen the evidence that you referred to from COSLA, Social Work Scotland and the police, and I should say that the financial memorandum was based on a report published by the University of Essex, which included a figure of 50 to 60 cases per officer as the maximum number that can be managed well. I do appreciate that a lower range was provided by Police Scotland.

Jamie Hepburn: It is quite a significant variance.

Similarly, on part 2 of the bill, COSLA provided the Finance and Public Administration Committee with data from a local authority, which suggested that the Caledonian programme's

“cost per person amounts to approximately £3,460”

whereas the cost per person outlined in your financial memorandum is £2,325. Again, that is a significant difference, is it not?

Charlie Pound: I believe that those numbers were taken from an answer from the Scottish Government for the purposes of the financial memorandum—a written answer on 16 May 2024. That is what we have publicly available.

Jamie Hepburn: Well, now that we have this available from the Finance and Public Administration Committee, what is your response to it?

Pam Gosal: We will have to look at it, because our information came from the Scottish Government. One would assume that the Scottish Government's information at that time was correct, but we will also have to look at what the committee has said and see who is right, whether the Scottish Government is wrong or—

Jamie Hepburn: Do you accept that the figures that are presented in the financial memorandum might be different?

Pam Gosal: I said that there will be some overcosting and undercosting. I make it clear to the member: we can only go on the information that is provided to us. The information was as stated at the time from the Scottish Government, and that is what we clarified. If something else is said somewhere else, we will have to look at that to see whether the Scottish Government was wrong or right.

Jamie Hepburn: So it could be quite a bit higher—

The Convener: I am sorry, but I will have to close this down and draw a line under that questioning. We are very much over time, and I think that we have got the gist of the point about the variance in costing.

I thank our witnesses—Ms Gosal and her colleagues—for coming along to what has been a robust session, and we will now move into private session.

11:09

Meeting continued in private until 13:08.

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