PPC/S7/26/6/9

Public Petitions Committee
Thursday 19 November 2026
6th Meeting, 2026 (Session 7)

PE2257: Expand Scottish domestic abuse law to protect adults from non-partner coercive control

Introduction

Petitioner	Sareeta McLachlan
Petition Summary	Calling on the Scottish Parliament to urge the Scottish Government to strengthen Scotland's domestic abuse and safeguarding framework so that protections extend to adults experiencing coercive control, psychological harm, isolation, or financial exploitation by non-partners, including carers, family members, friends, neighbours, guardians, attorneys, and others in positions of trust or power, ensuring equal protection under the law regardless of the perpetrator's relationship to the victim.
Website	https://petitions.parliament.scot/petitions/PE2257

1. This is a new petition that was published on 16 September 2026.

2. A full summary of this petition and its aims can be found at **Annexe A**.

3. Every petition collects signatures while it remains under consideration. At the time of writing, 34 signatures have been received on this petition.

4. A SPICe briefing has been prepared to inform the Committee's consideration of the petition and can be found at **Annexe B**.

5. The Committee seeks views from the Scottish Government on all new petitions before they are formally considered.

6. The Committee has received submissions from the Scottish Government and the Petitioner which are set out in **Annexe C** of this paper.

Action

7. The Committee is invited to consider what action it wishes to take.

Clerks to the Committee
November 2026

Annexe A: Summary of petition

PE2257: Expand Scottish domestic abuse law to protect adults from non-partner coercive control

Petitioner:

Sareeta McLachlan

Date published:

16 September 2026

Petition summary:

Calling on the Scottish Parliament to urge the Scottish Government to strengthen Scotland's domestic abuse and safeguarding framework so that protections extend to adults experiencing coercive control, psychological harm, isolation, or financial exploitation by non-partners, including carers, family members, friends, neighbours, guardians, attorneys, and others in positions of trust or power, ensuring equal protection under the law regardless of the perpetrator's relationship to the victim.

Background information:

Scotland's current domestic abuse law protects people harmed by partners or ex-partners, but it does not cover adults who experience coercive control from non-partners such as carers, family members, guardians, or attorneys acting under Power of Attorney. Many adults rely on others for daily care, decision-making, or access to support, creating relationships of dependency where psychological harm, isolation, and financial control can occur. When concerns arise, they are often treated as private disputes or civil matters. In some cases, police cannot investigate the matter as domestic abuse solely because the perpetrator is not a partner or ex-partner, even where the same pattern of coercive control exists. Oversight is fragmented across multiple bodies, meaning no single agency assesses the full pattern of coercive control and harm. As a result, similar patterns of harm are treated differently depending solely on who the perpetrator is.

Annexe B: SPICe Briefing

Scottish Parliament Information Centre
Ionad Fiosrachaidh Pàrlamaid na h-Alba

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

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

The petition states that:

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

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

Brief overview of issues raised by the petition

Current domestic abuse law

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

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

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

Protections in non-partner relationships

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

The explanatory notes for the Act state:

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

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

Stakeholder views on scope of domestic abuse protections

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

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

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

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

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

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

Scottish Government position

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

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

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

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

Key Organisations

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

Mhairi Gavin
Senior Researcher
20 October 2026

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

Every effort is made to ensure that the information contained in petition briefings is correct at the time of publication. Readers should be aware however that these briefings are not necessarily updated or otherwise amended to reflect subsequent changes.

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Annexe C: Written Submissions

PE2257/A: Expand Scottish domestic abuse law to protect adults from non-partner coercive control

Scottish Government written submission, 12 October 2026

Does the Scottish Government consider the specific ask[s] of the petition to be practical or achievable? If not, please explain why.

The Scottish Government recognises that coercive, controlling and harmful behaviour can arise in a range of relationships, including within families and relationships involving care, dependency, trust or influence. The Scottish Government also recognises the serious impact that psychological harm, isolation, financial exploitation and other forms of abuse can have on adults.

As set out below the Scottish Government considers that the harms described in the petition are capable of being addressed through existing adult support and protection, incapacity, criminal and civil law frameworks and it is not necessary to amend domestic abuse legislation.

The domestic abuse offence was introduced in 2019 to ensure all types of domestic abuse, including coercive and controlling behaviour, can be dealt with under the criminal law. The long-standing definition of domestic abuse in Scotland relates to behaviour between partners and ex-partners which can have a particular dynamic relating to power and control being exerted by one partner over the other partner. The domestic abuse offence captures this dynamic with the offence covering a course of behaviour where different items of behaviour taken together may amount to a domestic abuse offence being committed.

The Adult Support and Protection (Scotland) Act 2007 is designed to protect adults at risk of harm regardless of their relationship with the person causing that harm. The Act applies where an adult is unable to safeguard their own wellbeing, property, rights or other interests, is at risk of harm, and is affected by disability, mental disorder, illness or physical or mental infirmity to a degree that makes them more vulnerable to harm than adults who are not so affected.

The concept of harm within the ASP Act is broad and includes physical harm, psychological harm, self-harm, and unlawful conduct which adversely affects an adult's property, rights or other interests. It also includes conduct which causes, or is likely to cause, fear, alarm or distress. Behaviour which is coercive, controlling, manipulative or financially exploitative may therefore give rise to concerns and risks that fall within the scope of the Act, depending on the individual circumstances of the case.

The ASP Act does not focus on the nature of the relationship between the adult and the person causing harm. Rather, it focuses on the impact of the behaviour on the adult and whether the statutory criteria are met. Where those criteria are met, local authorities and partner agencies have powers and duties to inquire into concerns, undertake assessments, convene multi-agency discussions and consider available protection measures. These powers may be relevant where concerns involve family

members, carers, guardians, attorneys, neighbours, friends or others in positions of trust or influence.

While domestic abuse legislation and adult protection legislation serve different purposes and operate in different circumstances, the concerns identified in the petition regarding coercive behaviour, psychological harm, isolation and financial exploitation by non-partners are not absent from Scotland's existing legislative and safeguarding framework. Further where an adult lacks capacity to safeguard their welfare or financial affairs, the Adults with Incapacity (Scotland) Act 2000, referred to here as the AWI Act, provides a range of protective measures. These safeguards are not dependent on the relationship between the adult and the person who may be causing harm. Instead, they focus on the adult's capacity, welfare, property and financial affairs, the nature of any proposed intervention, and the conduct of those exercising powers under the Act. Protection under the AWI Act does not therefore depend on the person causing harm being the adult's spouse or partner.

The AWI Act is not a comprehensive framework for addressing every form of abuse or coercive behaviour. Some of its safeguards apply only where the adult lacks capacity in relation to the particular matter, or where the person causing concern is exercising functions under the Act. The AWI framework therefore operates alongside adult support and protection legislation, criminal and civil law, professional regulation and access to independent advocacy. In practice, these different mechanisms are intended to work together to safeguard the adult.

In Scotland, you can take action through the civil courts to protect yourself against abuse and harassment, whether or not the alleged perpetrator is a partner or ex-partner. There are a number of court orders available. Action can be taken when there is no option for protection under the criminal system and, if there is, whether or not a criminal offence has been reported.

These include an interdict which can prohibit someone from doing something for example from contacting a person or coming within a certain distance of their home. A civil non-harassment order under the Protection from Harassment Act 1997 can prohibit conduct which causes alarm or distress. The breach of an order is an offence.

The Scottish Government therefore considers that the harms described in the petition are capable of being addressed through existing adult support and protection, incapacity, criminal and civil law frameworks. The Scottish Government does not consider that the petition has demonstrated a gap in the existing safeguarding framework requiring amendment of adult support and protection legislation. Domestic abuse legislation and adult support and protection legislation serve distinct purposes and operate in different circumstances, with the latter providing safeguarding measures that are not dependent upon the relationship between the adult and the person causing harm.

What, if any, action is the Scottish Government currently taking to address the issues raised by this petition, and is any further action being considered that will achieve the ask[s] of this petition?

The Scottish Government continues to work with local authorities, Adult Protection Committees and other partners to support the effective implementation of the Adult Support and Protection (Scotland) Act 2007 and to promote consistent safeguarding practice across Scotland. The Adult Support and Protection National Strategic Forum, chaired by the Minister for Community Care, provides national leadership and oversight of work to strengthen adult support and protection practice.

In February 2026, the Scottish Government published the Adult Support and Protection Learning and Development Framework. The Framework supports those carrying out functions under the ASP Act to develop the knowledge and skills required to identify, assess and respond to harm and risk. The Framework recognises that adults may experience complex and intersecting forms of harm and highlights the importance of understanding the impact of factors such as domestic abuse, trauma and psychological harm.

The Scottish Government is not currently considering changing how domestic abuse is defined in Scotland (as being between partners and/or ex-partners) which would lead to consideration of changes to the scope of the Domestic Abuse (Scotland) Act 2018. We are also not considering changing the eligibility criteria within adult support and protection legislation in response to the issues raised in this petition. The Scottish Government considers that the existing adult support and protection framework already provides safeguarding measures for adults at risk of harm regardless of the relationship between the adult and the source of harm

The Scottish Law Commission is currently reviewing the civil remedies for domestic abuse, which include interdicts and civil non-harassment orders. We expect the Commission to issue their report in 2027. We will consider their recommendations carefully.

Is there any further information the Scottish Government wish to bring to the Committee's attention, which would assist it in considering this petition?

The Scottish Government would note that the petition raises issues which sit across several legislative frameworks. Scotland's domestic abuse legislation establishes a specific criminal offence relating to abusive behaviour between partners and ex-partners. By contrast, adult support and protection legislation provides a safeguarding framework for adults at risk of harm regardless of the relationship between the adult and the source of harm. The existence of different legislative frameworks reflects their different purposes rather than an absence of protection where harmful behaviour is perpetrated by a non-partner.

Separately, the Scottish Government remains committed to updating and modernising mental health and capacity legislation to better reflect international human rights standards. The Scottish Government has stated its intention to bring forward an Adults with Incapacity Bill in the current Parliamentary session and continues to work with partners on proposals for reform following the 2024 consultation and publication of the consultation analysis in January 2025. These

reforms relate to the Adults with Incapacity framework and are distinct from the operation of adult support and protection legislation.

Adult Social Care, Workforce and Fair Work, Sponsorship and Finance Division

PE2257/B: Expand Scottish domestic abuse law to protect adults from non-partner coercive control

Petitioner written submission, 11 November 2026

1. Purpose

The Scottish Government recognises that coercive and controlling behaviour can arise “within families and relationships involving care, dependency, trust or influence” (PE2257/A). This submission asks whether Scotland’s criminal law can recognise and address sustained coercive control of an adult, regardless of the relationship between the people involved.

2. Protection is not accountability

The Adult Support and Protection (Scotland) Act 2007 can assess risk and coordinate protective action. The Adults with Incapacity (Scotland) Act 2000 is, in the Scottish Government’s words, “not a comprehensive framework”. Civil remedies allow a person to seek protection, but they are difficult to access when the adult depends on the person controlling their contact, and interdicts stop contact rather than restore it.

Stalking under section 39 of the Criminal Justice and Licensing (Scotland) Act 2010 requires a course of conduct causing fear or alarm. The Domestic Abuse (Scotland) Act 2018 (“the 2018 Act”) can capture isolation, dependence and control where its tests are met, but only where the person responsible is a partner or ex-partner. Non-partner coercive control that produces compliance rather than fear can fall between the two. A 2025 legal analysis shared through Iriss agreed: some people “could be subject to coercive control but covered by neither set of provisions”.

The Scottish Government considers that existing frameworks can address these harms. However, the recording gaps set out below make it difficult to assess how consistently such harms are identified, investigated and addressed.

3. Two distinct gaps

Relatives: Section 1 of the 2018 Act applies only to partners and ex-partners. In England and Wales, section 76 of the Serious Crime Act 2015, as amended in 2021, applies to relatives whether or not they live together.

Where an adult child or another relative isolates an adult and controls their finances, it is currently unclear which offence, if any, can address that pattern as a whole.

Positions of trust: An unrelated attorney, guardian or paid carer is outside the English offence.

A 2024 Highland review, Learning Review: The Three Brothers, found missed opportunities to protect three elderly brothers. Social work and police initially took the view that the attorneys had legal authority to manage the brothers’ affairs. In a later civil judgment, the sheriff concluded that the legal test for undue influence was met in relation to the transfer of the brothers’ farm. The review asked Police Scotland to

consider whether prosecution was still possible, and its learning points state that "consideration of the potential for coercive control should be routine".

4. Patterns not being recognised

- Almond et al. (2026) found that 12,323 of 122,276 domestic abuse cases recorded by one UK police force (2019–2023), about 1 in 10, were recorded as involving domestic abuse by a son or daughter against a parent.

- Bows, Bromley and Penhale (2025) found potential domestic abuse in 89 of 300 older-adult safeguarding files in England not flagged as such. In 78 (88%), the alleged perpetrator was a son, daughter or other relative.

- Mental Welfare Commission investigations into Mrs T (2007) and Mr and Mrs D (2012) describe missed opportunities to protect older adults harmed by relatives.

- The SPICe briefing records Hourglass's longstanding call to widen the 2018 Act.

These reports do not establish criminal liability. They show harmful control by non-partners being recognised late, addressed in fragments, or not at all.

5. Gaps in recording

- Freedom of Information responses show Glasgow City HSCP received 46,247 Adult Support and Protection Duty to Inquire forms between April 2019 and March 2024, but could not say how many involved power of attorney concerns without manual review.

- The Mental Welfare Commission could not identify how many of its 3,500+ annual advice calls concerned alleged misuse of welfare powers of attorney.

If agencies cannot identify these concerns, how can the Scottish Government assess whether existing safeguards work?

6. Safeguards

I recognise the concern that a new offence could deter families from acting as attorneys, or criminalise legitimate care decisions.

An offence could require a course of behaviour, a significant and sustained effect on the adult's autonomy, and knowledge or recklessness. Like England's, it could include a defence where the person believed they were acting in the adult's best interests and their conduct was reasonable.

7. What I ask the Committee to do

I respectfully ask the Committee to keep PE2257 open and:

1. Ask the Scottish Government to examine how Scotland's criminal law could recognise and address sustained coercive control of an adult, regardless of

the perpetrator's relationship to them. This should include considering whether to extend the 2018 Act, create a separate offence, or both.

2. Ask Police Scotland and the Crown Office and Procurator Fiscal Service (COPFS) which existing offences can address a cumulative pattern of non-partner coercive control, and what evidence exists on reporting, charges and outcomes.

3. Seek evidence from:

    - Older people and adult safeguarding: Hourglass, Age Scotland, the Office of the Public Guardian, the Mental Welfare Commission, Iriss and the Scottish Independent Advocacy Alliance.

    - Women's organisations: Scottish Women's Aid, Hemat Gryffe Women's Aid, Shakti Women's Aid and Amina.

    - Disability: Inclusion Scotland and Disability Equality Scotland.

    - Legal and academic: the Law Society of Scotland, the Scottish Women's Rights Centre and academic researchers.

4. Ask who is responsible for following up protective recommendations once an adult's wishes have been recorded.

5. Ask whether the forthcoming Adults with Incapacity Bill will address controlling conduct by attorneys.

This petition is not about ordinary family disagreements or legitimate caring decisions. A clear offence could help deter sustained coercive control. It is about making sure an adult's voice is heard, that they are protected, and that someone is accountable when that fails.

Sources

- PE2257/A;
- SPICe briefing;
- Almond et al. (2026), doi:10.3390/bs16101811;
- Bows, Bromley and Penhale (2025), doi:10.1093/bjsw/bcaf074;
- Highland Learning Review: The Three Brothers (2024);
- Inverness Sheriff Court civil judgment (2021);
- Iriss 5 Nations webinar (2025);
- Mental Welfare Commission investigations (2007, 2012);
- Freedom of Information responses.