

# CRISIS AND RESILIENCE:

THE IMPACT OF A GLOBAL PANDEMIC ON DOMESTIC ABUSE  
SURVIVORS AND SERVICE PROVIDERS IN SCOTLAND



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# INTRODUCTION



The Coronavirus pandemic has negatively affected all aspects of life and, for survivors of domestic abuse – a pattern of persistent and controlling behaviour by a partner or ex-partner – it has resulted in increased risks of harm, and made seeking help more difficult. Scottish Women’s Aid (SWA) is the lead organisation in Scotland working to end domestic abuse. The SWA network has 36 members who are specialist domestic abuse service providers, working across Scotland, to provide support to women, children and young people experiencing abuse.

From March 2020, SWA members have had to rapidly adapt, and radically redesign, all aspects of their work in order to continue providing their vital support services during the pandemic.

Over three weeks in June 2020, SWA conducted a survey of its members’ experiences over the previous three months. This report summarizes the results. It focuses on the effects of COVID-19 and the measures taken by the Scottish Government to address the pandemic, on the work of the Women’s Aid network and on service provision. It highlights some key additional challenges, stemming from COVID-19, relating to refuge provision and the criminal justice system, as well as addressing specific child rights issues facing children and young people experiencing domestic abuse. It concludes with recommendations for action to improve the situation as lockdown measure ease and to mitigate against potential future lockdowns.



# DOMESTIC ABUSE AND COVID-19

Domestic abuse is a form of gender-based violence and a cause and consequence of women's inequality. As Equally Safe, Scotland's strategy to address violence against women and girls, notes, "Such violence cannot be understood ... in isolation from the norms, social structure and gender roles within the community, which greatly influence women's vulnerability to violence".<sup>1</sup> Domestic abuse is not caused by anxiety about COVID-19, frustrations related to quarantine or lockdown, economic uncertainty due to loss of jobs, harmful consumption of alcohol, or other COVID-related stresses.

Since March 2020, the Scottish Government has introduced a variety of public health measures to address the pandemic, including lockdown, closure of schools, nurseries and childcare provision, closure of non-essential services, working from home, social distancing, and reductions in the work of courts. Some of these measures have provided additional tools and opportunities for abusers to exercise control.

## Human rights

*Under international human rights standards, all governments taking steps to protect public health during the Coronavirus pandemic must ensure that any measures taken which restrict human rights are proportionate, necessary, and applied without discrimination.<sup>2</sup> Governments also have a duty to protect women from all forms of gender-based violence, including domestic abuse. The duty to protect includes the requirement to act with "due diligence" to prevent, investigate, prosecute, punish, and provide redress to victims.<sup>3</sup> The obligation to provide effective protection from, and responses to, domestic abuse continue to apply during the pandemic. This means that measures taken to address the Coronavirus pandemic must be compatible with human rights.*

<sup>2</sup> [https://www.ohchr.org/Documents/Events/EmergencyMeasures\\_COVID19.pdf](https://www.ohchr.org/Documents/Events/EmergencyMeasures_COVID19.pdf)

<sup>3</sup> CEDAW General Recommendation 35, [https://tbinternet.ohchr.org/\\_layouts/15/treatybodyexternal/Download.aspx?symbolno=CEDAW/C/GC/35&Lang=en](https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CEDAW/C/GC/35&Lang=en)

For women experiencing domestic abuse and still living with their abuser, lockdown meant spending extended periods of time confined at home with their abuser with little opportunity to call supportive family or friends, Women's Aid service providers, or Scotland's Domestic Abuse and Forced Marriage Helpline. Women experiencing domestic abuse who have children face the additional pressure of their usual caring responsibilities and trying to protect their children from harm caused by the abuser while confined at home for longer than usual. Women's opportunities to seek help are further constrained because they do not want their children to overhear their conversations.

Children and young people living with an abuser also suffer the control and micro-management of everyday life and other tactics used by abusers. For children living with domestic abusers, school, nursery, sports or after-school clubs, all provided a safe space out of the home. In addition, schools are the most likely place for children and young people to get one-to-one support from Women's Aid children's workers. Closure of schools removed those safe spaces, leaving children and young

people trapped for extended periods of time with their abuser with few or no opportunities to seek help.

For women not living with their abuser, lockdown meant that their abuser knew they would be at home, increasing the abuser's opportunities for stalking and continued harassment. The reliance on technology during lockdown to maintain social contact and for work also provided opportunities for abusers to misuse that technology to continue the abuse. For women who have children with an abuser, arrangements for child contact and visits pose additional risks for them and their children. Lockdown exacerbated those risks.



<sup>1</sup> <https://www.gov.scot/publications/equally-safe-scotland-strategy-prevent-eradicate-violence-against-women-girls/pages/3/>



## METHODOLOGY

Scottish Women's Aid conducted online surveys of its 36-member service providers in June 2020. Service providers were asked to complete four short surveys, each focusing on a different aspect of their work. Survey one asked about the effects of COVID-19 on staffing, funding and demand for services; survey two focused on the effects on refuge accommodation and women's homelessness; survey three examined the effects on children; and survey four on the effects on policing and the criminal justice system.

Of the 36-members, 32 service providers responded to at least one survey and 22 service providers completed all four surveys. Seven service providers completed three out of the four surveys. Each survey received a different number of responses (detailed below), and the data presented is based on the number of responses to that particular survey.

The findings of this survey, are an authoritative account of the situation facing the Women's Aid network – specialist domestic abuse service providers. It is, to date, the most comprehensive overview of the experience of the largest set of domestic abuse service providers in Scotland during

the pandemic.<sup>4</sup> However, it is not, and does not purport to be, representative of all organizations that work with survivors of domestic abuse in Scotland.

The information provided by the Women's Aid network reflects the experiences of the women, children and young people they have been supporting over this challenging time. Many of those experiencing abuse never seek help from domestic abuse services, so while the results of the survey provide a reliable insight into the experiences of those receiving support from Women's Aid service providers, it is not representative of the experiences of everyone experiencing domestic abuse in Scotland.

The different definition of domestic abuse in Scotland, different legal framework, and differences in lockdown measures and timescales for easing those measures, all mean that the findings of this survey should not be used to make direct comparisons to other parts of the UK.

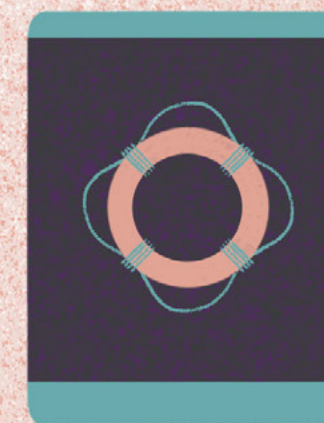
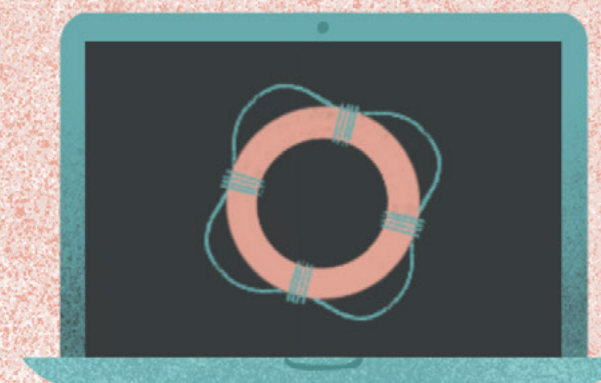
<sup>4</sup> The Scottish Government report, produced by Justice Analytical Services, captured a snapshot of experiences of organizations "involved in supporting people experiencing or perpetrating domestic abuse or other forms of VAWG", <https://www.gov.scot/publications/domestic-abuse-forms-violence-against-women-girls-vawg-during-covid-19-lockdown-period-30-3-20-22-05-20/>

## RESULTS

### EFFECTS OF THE PANDEMIC ON THE WORK OF WOMEN'S AID SERVICES

Scottish Women's Aid and its members began preparing for the pandemic in early March. SWA closed its office on 12th March, and the Women's Aid service providers urgently looked to set up remote service delivery. SWA supported this by researching technology and platforms that would be suitable for providing remote support and by looking for additional funding for services. SWA also began compiling relevant information into weekly briefings for services and quickly moved to providing frequent online learning and development sessions. On 31st March 2020, the Scottish Government announced welcome additional funding for SWA and its member service providers.<sup>5</sup>

While service providers began taking measures to protect staff and service users from COVID-19 from around mid-March, lockdown, announced on 23rd March 2020, forced the Women's Aid network to fundamentally change how they provided services. Thirty-one services responded to the survey about the impact of lockdown and other measures taken to address the pandemic on staff and service provision.



<sup>5</sup> <https://www.gov.scot/news/support-for-victims-of-domestic-violence-during-covid-19-outbreak/>

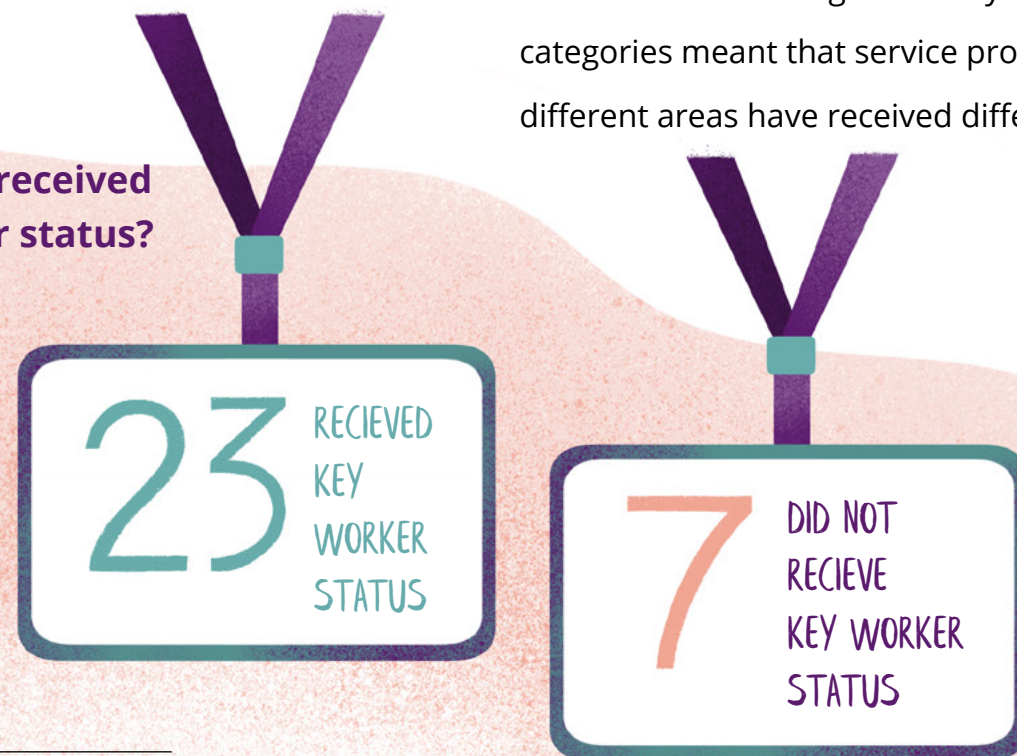


## KEY WORKER STATUS

It was important that Women's Aid staff be designated as key workers rapidly so that they could continue working and providing services and so their children, given the all-female workforce, could access places in hub schools. Guidance issued by the Scottish Government set out three categories of key worker and left it up to local authorities to decide which type of service would fall under which category.<sup>6</sup>

Thirty service providers answered the question asking about key worker status for their staff with 23 reporting that they had received the status.

Have staff received Key Worker status?



Service providers were asked about the process for obtaining key worker status in their local area. The first question asked about the ease of getting information about the process of obtaining key worker status. Of the 27 providers who responded, just over half (14) said it was 'very easy' to access information about how to obtain the status. For 13 services, accessing the information was 'not easy'. The second question asked about the ease of obtaining confirmation of their status. Out of 21 responding service providers, 12 said that getting confirmation was 'not easy' whereas nine found it 'easy'. Local decision making about key worker categories meant that service providers in different areas have received different status.

## STAFFING LEVELS

COVID-19 and lockdown had a negative impact on staffing within service providers. Nineteen providers reported instances of staff having to self-isolate during lockdown, 11 reported that staff were working reduced hours due to their family situation or caring responsibilities, and 10 said that staff had been off sick.<sup>7</sup>

Since lockdown, has your group been affected by any of these?

*Comments about the process from service providers included:*

*"We needed the information quicker and with less of a challenge."*

*"We had to proactively request confirmation. However, it was with us the same day."*

*"It would have been useful to get a letter in connection with this or an official email for all staff."*

*"The waiting time before confirmation could have been reduced."*



<sup>6</sup> <https://www.gov.scot/publications/coronavirus-guide-schools-early-learning-closures/pages/key-workers/>

<sup>7</sup> Thirty-one service providers responded to the question. Providers could select all options that applied.



## RESULTS

### STAFF ACCESS TO CHILDCARE

For Women's Aid staff who have children, the closure of schools posed particular problems. As key workers, staff should have been able to continue sending their children to school; however, service providers reported problems with accessing school spaces. Scottish Government guidance left decisions on how to make provision for children of key workers to local authorities and highlighted the need "to keep the number of children taking up these places... to an absolute minimum".<sup>8</sup>

Of the 22 service providers who provided information, only five reported that all staff who needed school spaces for their children had access to those spaces. Another five reported that some staff had access, but nine

services reported staff were unable to have their children attend school. For three services, the waiting time took so long their staff made other arrangements.

The majority of service providers were designated as category two or category three key workers. This meant that when the school holidays started, their children lost their places in the school hubs because only the children of category one key workers were allowed to attend over the summer. Some services received only one week's notice that this change was happening. For staff, the timing was particularly challenging because it coincided with the easing of lockdown restrictions, and staff were starting to go back into the workplace.

**Are staff who need it, able to access school spaces for their children?**

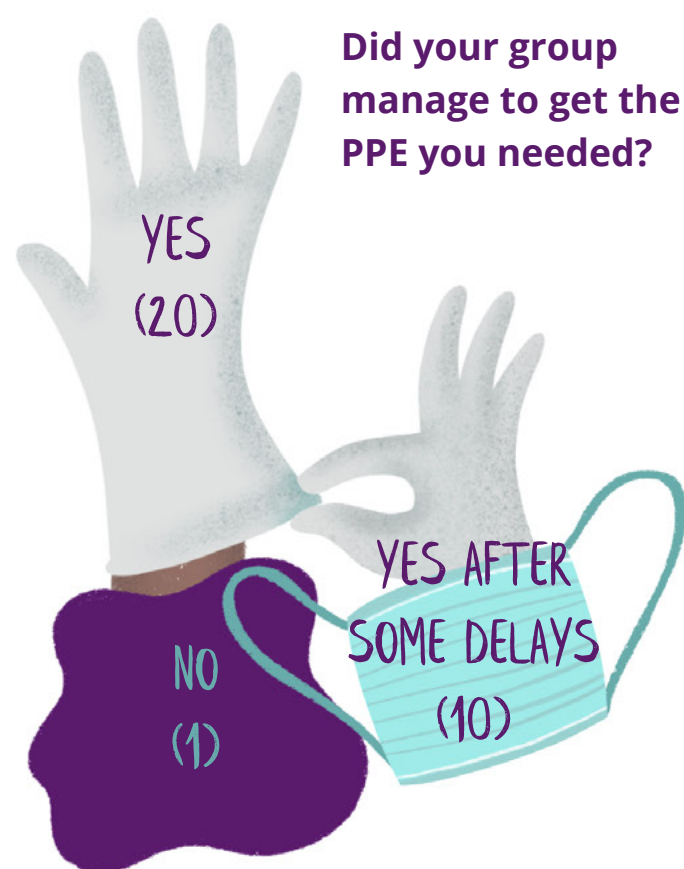


<sup>8</sup> <https://www.gov.scot/publications/coronavirus-guide-schools-early-learning-closures/pages/key-workers/>

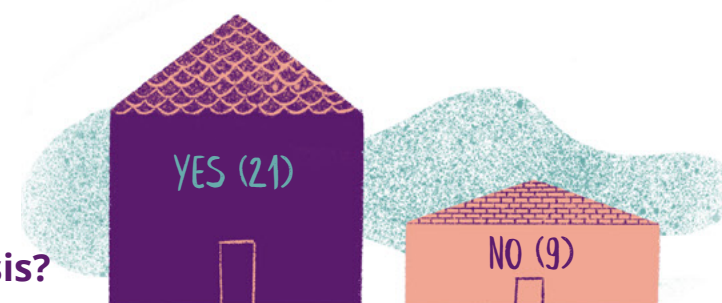
## RESULTS

### PERSONAL PROTECTIVE EQUIPMENT

In order to continue to provide emergency support in crisis situations, service providers needed to have access to personal protective equipment (PPE) to protect staff, and women, children and young people. Out of 31 services, only one said they had not been able to obtain PPE. Ten services reported receiving PPE after some delays.



**Has your group lost income from housing benefit since the start of the Coronavirus crisis?**



### HOUSING BENEFIT

Most Women's Aid service providers do not own the properties used to provide refuges. They lease them from local authorities and housing associations. Rent for refuges is met through housing benefit. Services therefore depend on payment of housing benefit to cover the cost of leasing the accommodation used to provide refuge.<sup>9</sup> Refuges consist of a mixture of self-contained and shared accommodation. Where service providers had refuges with shared accommodation, requirements for social distancing meant that they had to either convert the shared refuge into a single household space or reduce the numbers of women and children living there. Services with shared refuge accommodation thus faced significant drops in funding. Twenty-one out of the 30 services that responded to the question had lost income from housing benefit. The amount lost by service providers varied significantly.

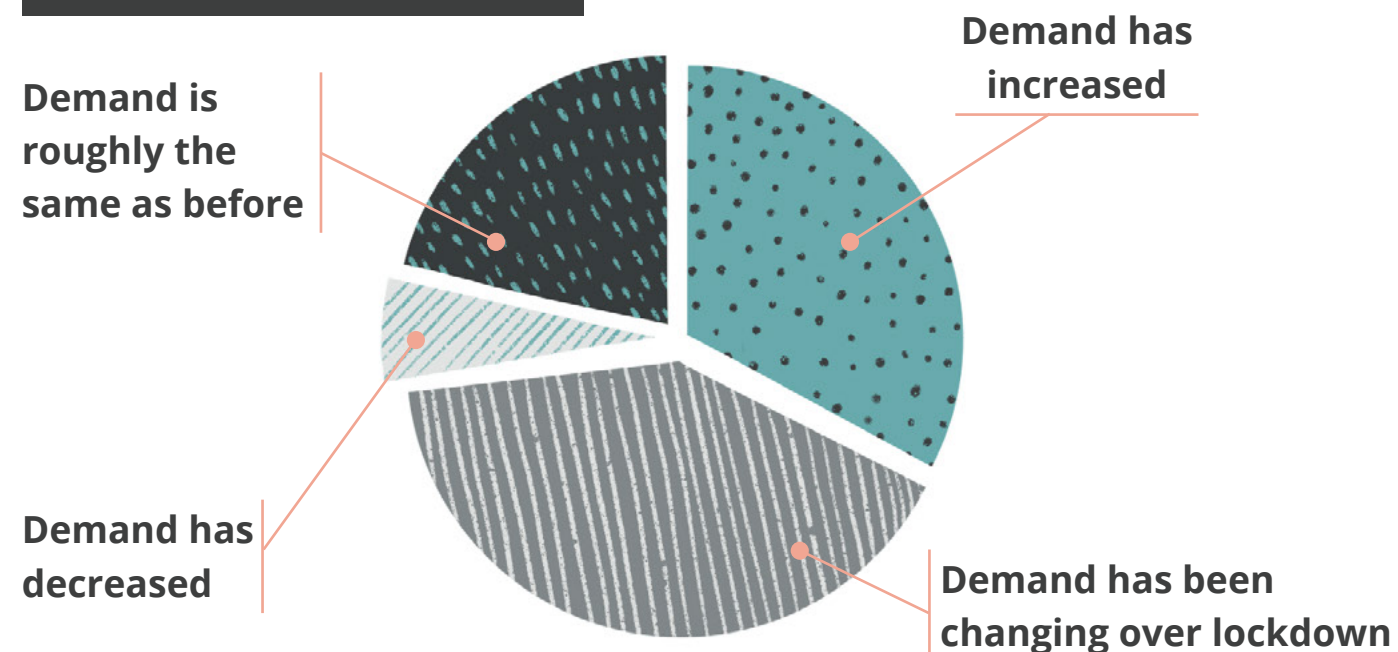
<sup>9</sup> <https://womensaid.scot/wp-content/uploads/2017/09/SupportedHousingFundingReform.pdf>



## EFFECTS ON DEMAND FOR SERVICES

The survey asked service providers two questions about the impact of the pandemic and lockdown on demand for services. The first focused on demand for services by women, the second on demand for services by children and young people.

**What has been the impact of lockdown on women's demand for services?**



## WOMEN

Of the 30 service providers who responded, 13 said that demand had been changing over the period of lockdown. Service providers have seen a distinct pattern to that change: at the start of lockdown, there was a significant decrease in the numbers of women being referred to them for support, but over the course of April and May demand increased back to, or above previous levels. As lockdown restrictions eased, and women were able to seek help more easily, services saw demand increasing. Two services also highlighted a spike in women from England seeking refuge accommodation when lockdown there was eased before the lockdown in Scotland.

*"Initially demand was quieter than usual. This has seen a steady increase over the weeks with existing service users. We are now seeing a higher volume of women who had a service from us in the past getting back in touch for support and a number of new referrals."*

*"A significant decrease in new referrals at the beginning of lockdown. Engagement with existing clients has been average as we have been providing remote support. A spike in new referrals from 24th May and continued increase to date."*

Nine service providers had seen an overall increase in demand and for six services demand was the same as before. Only two services had seen a decrease in demand overall, although one of those was seeing that starting to increase again by the time of the survey, and they had seen an increased number of calls from people who were worried about a friend or family member and wanted advice on how to support them.



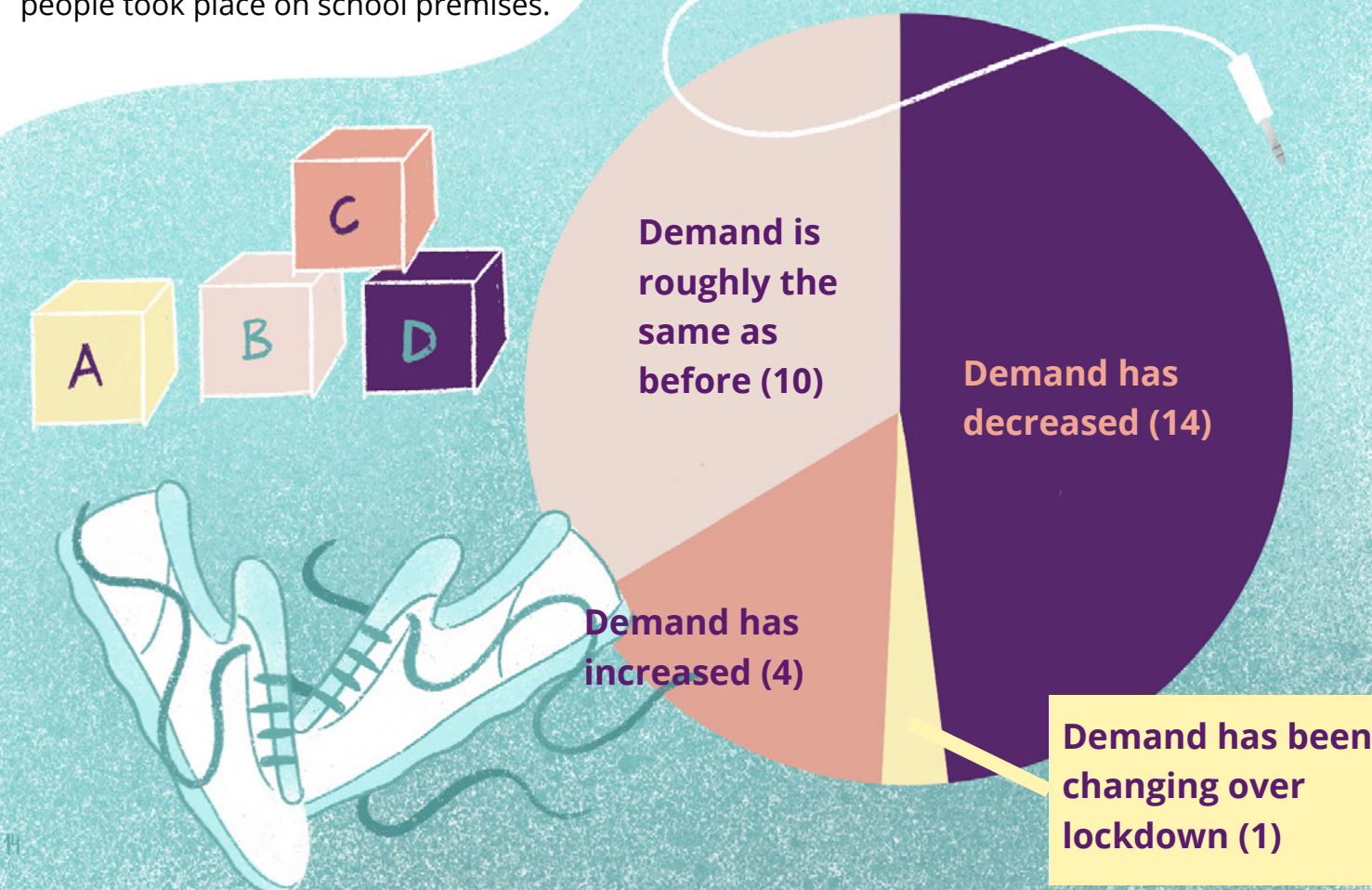


## CHILDREN AND YOUNG PEOPLE

The Women's Aid network conducts an annual census of its services and service users. According to this Census Day data, before the pandemic, Women's Aid service providers in Scotland were supporting around 350 children and young people on any given day, amounting to thousands of children and young people every year. A significant proportion of referrals to local Women's Aid services for children and young people were made via schools, and a significant proportion of direct support for children and young people took place on school premises.

Of the 29 service providers that responded, 14 had seen a decrease in demand for services from children and young people. Many mentioned the fact that schools were closed as a reason why children and young people were not being referred to their services.

### What has been the impact of lockdown on demand for services by children and young people?



*"New referrals have decreased as schools are shut."*

*"Children are not attending schools so ongoing referrals have decreased."*

*"A decrease in referrals at the beginning of lockdown and children not engaging as well remotely during pandemic."*

*We are beginning to see referrals coming through now and some children re-engaging with us as lockdown restrictions are easing."*

Ten service providers said that children's and young people's demand for services was roughly the same as before lockdown, four said that demand had increased, and for one service, demand had been changing.

Service providers highlighted challenges with providing remote services using technology to children and young people. These included children not having access to devices. Services highlighted that when children and young people were reliant on

using their mother's device, providing private support was not possible. Some services were able to provide

children with tablets or phones to enable them to continue receiving support. Service providers also noted that using technology with very young children is impossible without them receiving help and that they are unable to concentrate in the way they would during a face to face support session.

## DEMOGRAPHICS

The survey asked whether service providers had seen any changes in the demographics of those seeking support. The vast majority said that there had not been any changes. One service mentioned more referrals from people in same-sex relationships than usual, another mentioned more migrant women with "no recourse to public funds" (a discriminatory provision of UK immigration law which means they are excluded from receiving benefits or other support provided using public money). A third service provider had noticed an increase in women with "mobility issues".

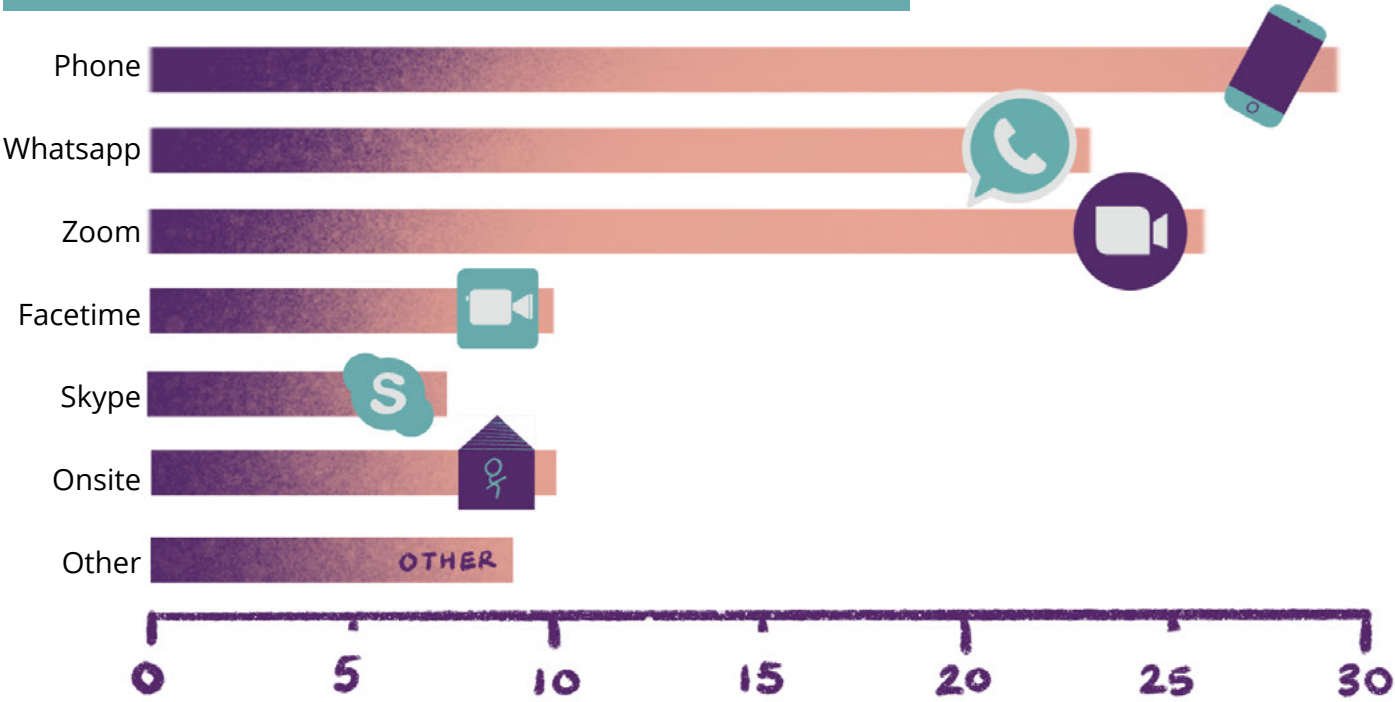


CHALLENGES WITH PROVIDING SERVICES USING TECHNOLOGY

As lockdown restrictions were introduced, service providers had to quickly transition to providing support using digital means. The survey asked which means of technology services were using to provide support.

The most commonly mentioned types were phone, Zoom and Whatsapp. In the “other” category, service providers mentioned that they were also using email, text message and Microsoft Teams.

Which means of technology are you using to support woman, children and young people?



*“It was fantastic that we got money from the Scottish Government through SWA to make sure we had everything we needed to manage working remotely.”*

*“We could not have managed to set up workers to work from home without the financial support from Scottish Government.”*

*Service providers reported some challenges in getting hold of IT equipment initially, and relied on their IT support to set up remote working.*

*“With support from our telephone company and IT company we were able to make it possible for workers to continue to respond to requests for support and keep records up-to-date.”*

*“IT company worked hard to set everyone up.”*

Service providers also reported that some staff found working at home a challenge because they needed to have confidential conversations with service users but lacked privacy at home. Lack of privacy also made it more difficult, and potentially risky, to stay in touch with and support women who were living with an abuser.





## RESULTS

### TYPES OF SERVICE REQUESTED

The survey asked whether service providers had seen a change in the types of services being requested. Just over half (16 out of the 30 who answered the question) said that they had seen a change.



Has there been a change in the types of services requested?

Some of the changes noted by service providers included:

*"More requests for financial support/fuel/food."*

*"Financial hardship for clients, difficulties in accessing emergency housing, need for laptops and need to learn IT skills by older group."*

*"Crisis work is high. Women with complex needs trying to flee but not able to access services easily. For example, drug services."*

## RESULTS

### FUTURE CHALLENGES

The survey asked service providers about the challenges they anticipated facing as lockdown eases and demand for services increases. Several key themes emerged.

**The main themes were:**

**Staffing** – with an expected spike in referrals, services expressed concerns that they did not have sufficient staff to be able to provide services to all those who need support.

**Funding** – linked to the lack of staff, service providers do not have sufficient resources to hire new staff to meet the demand.

**Refuge space** – service providers are concerned that with an increase in demand, they will not have sufficient refuge accommodation.

**Safety** – as lockdown measures are eased and the possibility of providing face to face services returns, service providers are concerned about how to do that safely and in compliance with social distancing requirements. For example, they anticipate challenges including not being able to have all staff in the office at the same time, not having sufficient PPE to protect staff and clients, and how to build confidence so that staff and service users feel that it is safe to return to in-person support.

### FUTURE CHALLENGES





## EFFECTS ON REFUGE AND HOMELESSNESS

### Demand for Refuge

Domestic abuse is the main cause of women's homelessness in Scotland. Even before the pandemic refuges were unable to cope with the level of demand. On Census Day in 2019, Women's Aid services were unable to accommodate 58% of women and 38% of children and young people who requested refuge, due to a lack of available, or appropriate, space.<sup>10</sup> SWA calculates that only one in six women making a homeless application as a result of domestic abuse will be able to get a space when they need it.<sup>11</sup>

### Human rights

*Under international law, states should provide "for the setting-up of appropriate, easily accessible shelters in sufficient numbers to provide safe accommodation".<sup>12</sup> The recommendation is for "one family place per 10 000 head of population. However, the number of shelter places should depend on the actual need".<sup>13</sup> Even before the pandemic, Scotland did not have sufficient refuge places to meet that recommendation.*

Of the 29 service providers that completed the survey on housing and homelessness, 25 were being contacted by women looking for refuge accommodation. Many were unable to meet the demand.

<sup>12</sup> <https://www.coe.int/en/web/conventions/full-list/-/conventions/rms/090000168008482e> See also CEDAW General Recommendation 35 on Violence against Women, [https://tbinternet.ohchr.org/\\_layouts/15/treatybodyexternal/Download.aspx?symbolno=CE-DAW/C/GC/35&Lang=en](https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CE-DAW/C/GC/35&Lang=en)

<sup>13</sup> Explanatory Report to the Istanbul Convention: <https://rm.coe.int/CoERMPublicCommonSearchServices/DisplayDCTMContent?documentId=09000016800d383a>

<sup>10</sup> <https://womensaid.scot/wp-content/uploads/2019/11/SWA-Leaflet-2019.pdf>

<sup>11</sup> <https://womensaid.scot/wp-content/uploads/2020/03/Resourcing-Recovery-March-2020.pdf>

The survey asked whether service providers were seeing any changes in the demographic profiles of women seeking refuge accommodation. Eight services reported seeing some changes.

Three services mentioned getting more requests from women from England, one said they were getting more requests from women from black and other ethnic minority backgrounds, another reported increased requests from women whose immigration status means they have "no recourse to public funds". One service provider reported an increase in requests from women who had never contacted Women's Aid before and did not want any police involvement in their situation.

Have you seen any change to the demographic profile of women looking for refuge?





## RESULTS

### LOSS OF SPACES / INCREASE IN DEMAND

Over half of services responding to the survey (16 out of 29) have shared refuge accommodation. This means that many have been unable to accommodate the same numbers of women, children and young people as they usually do.

Even where service providers have self-contained flats within the refuge, some still have communal areas, and they have had to change access arrangements for those areas. For example, one service said they had reduced their maximum numbers from nine to six to ensure that all residents would have their own toilet and washing facilities. Another introduced a rota for access to the communal garden.

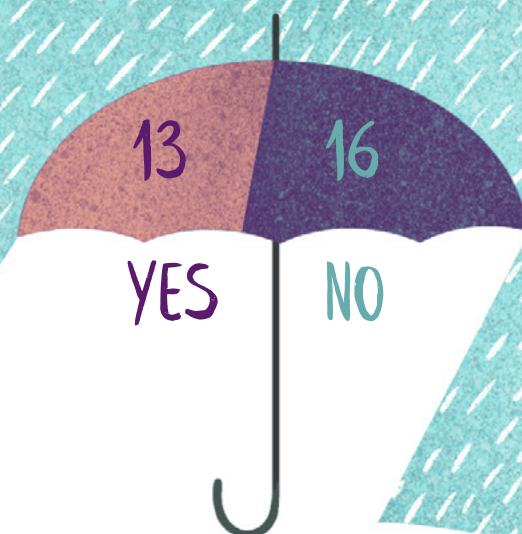
Service providers said:

*"We could have accommodated twice the number of women we currently have if we had more spaces... We have had several requests for accommodation during lock down and admitted one woman with ... children but have had to turn others away."*

*"We only have five refuge spaces but our demand at a time is [for] at least 20 spaces."*

*"We would benefit from more refuge accommodation."*

Do you need additional accommodation to use as refuge because of a loss of spaces or increase in demand?

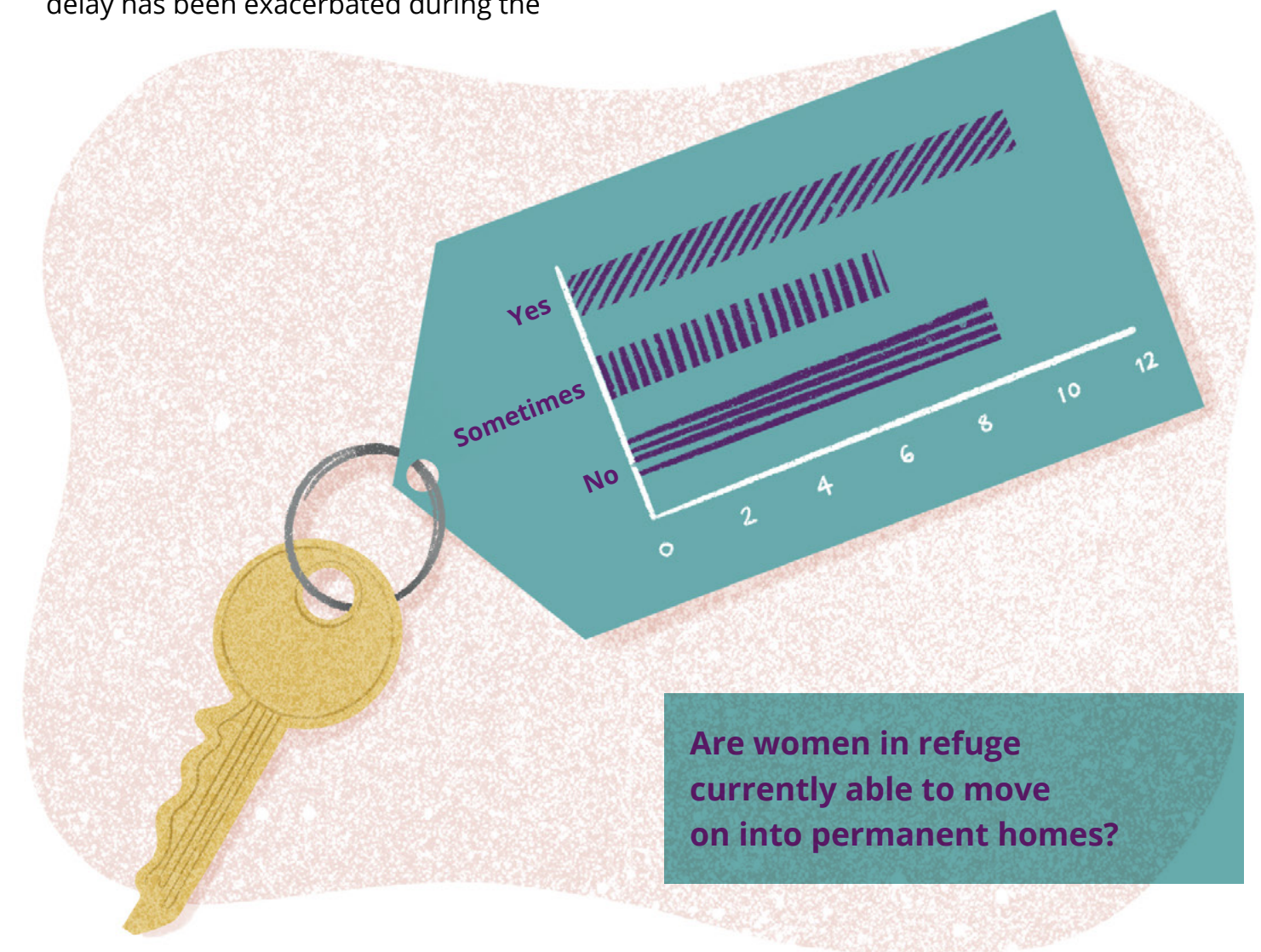


## RESULTS

### LACK OF ACCESS TO PERMANENT ACCOMMODATION

Once in refuge women and their children often have a long wait before being able to move to a suitable new home. The average length of stay in refuge before the pandemic was 8.5 months. In some areas, notably Edinburgh, Glasgow and the Highlands, the wait for a new home is between a year and a year and a half. This delay has been exacerbated during the

pandemic as most local authorities and housing associations stopped allocating new accommodation during lockdown. This has meant that women in refuge accommodation have been unable to move into their own homes. In turn this has meant refuges remained full and unable to provide a safe place for new women.



Are women in refuge currently able to move on into permanent homes?



SWA and the Chartered Institute for Housing (CIH) issued guidance for social landlords on responding to domestic abuse during COVID-19 in mid-April.<sup>14</sup> This set out how local authorities and housing associations could meet their responsibilities to prevent and respond to domestic abuse during the pandemic, including by continuing to allocate empty properties to women experiencing domestic abuse. The Scottish Government published guidance on allocations on 26th April, and the Minister for Housing, Local Government and Planning and COSLA Community Wellbeing Spokesperson issued a letter on 29th May.<sup>15</sup> These documents set out how local authorities and housing associations could re-open housing allocations and highlighted that this was a vital step to ensure that survivors of domestic abuse were moved from refuges into settled homes, thereby opening up additional spaces in refuges for women and their children.

The survey asked service providers whether women in refuge were able to move into permanent homes. The comments from services, even where they had answered “sometimes” showed that very little was happening as it should.

#### Two examples:

*“We have one family who were allocated a tenancy early March but unable to move due to lock down. Services are now beginning to operate again and we expect her to be able to get into her new home in the next few weeks.”*

*“At the beginning of lockdown, we had three clients in the refuge that were offered permanent accommodation. However, none of them was able to move until May 2020 due to COVID-19. We still have one client that has not moved as the housing association property is not ready yet due to COVID-19.”*

Despite the issuing of guidance, women and children living in most refuges were unable to move to a permanent home during lockdown. Allocations of housing remain slow and refuges are unable to take in new referrals. Only four service providers reported that the local authority was supporting women and their children to remain at home and rehouse the perpetrator.



## MIGRANT WOMEN WITH “NO RECOURSE TO PUBLIC FUNDS”

In April COSLA produced a framework to assist local authorities and their partners to support people with no recourse to public funds during the COVID-19 pandemic.<sup>16</sup> This meant that women whose immigration status previously excluded them from receiving government funded support funded could be supported during this period. Women who have no recourse to public funds or whose immigration status makes them ineligible for basic social protections such as social security and housing are at particular risk. Women in this situation are often, forced to return to their abusive partner or face destitution.

<sup>14</sup> <https://womensaid.scot/wp-content/uploads/2020/04/0441-Domestic-Abuse-guidance-V1-003.pdf>

<sup>15</sup> <https://www.gov.scot/publications/coronavirus-covid-19-allocations-advice-and-information-for-the-housing-sector/> and <https://www.gov.scot/publications/coronavirus-covid-19-joint-letter-to-housing-sector-on-voids-processing/>

<sup>16</sup> <http://www.migrationscotland.org.uk/migrants-rights-and-entitlements-0>



## RESULTS

### Human rights

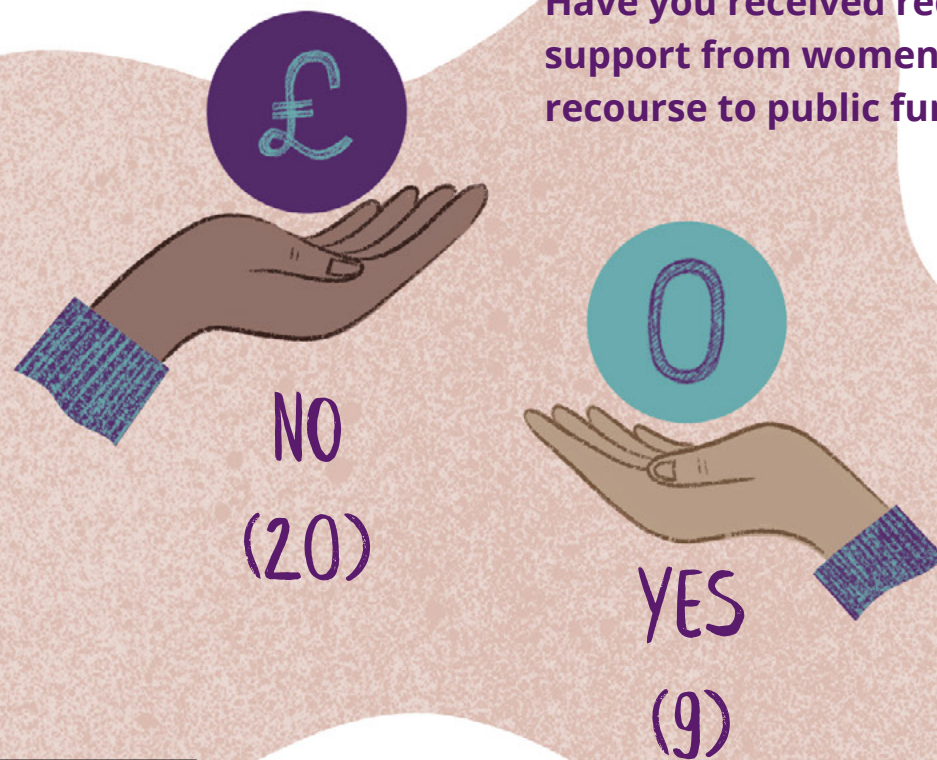
*Under international law, everyone has the right to an adequate standard of living, including adequate housing, irrespective of nationality.<sup>17</sup> In addition, states have a duty to provide women migrants suffering domestic abuse with “relevant emergency and social services, regardless of their immigration status”.<sup>18</sup>*

Nine service providers reported receiving requests for support from women with an immigration status that excluded them from public funds.

One service provider described how the woman had “no money at all” and had “fear of consequences of registering with statutory bodies”. Another service described a “drawn out process waiting for authorization for funds”.

Feedback from the survey highlights that after some initial implementation issues this has been a critically important response to protect women who would otherwise remain trapped with an abuser or face severe economic hardship.

**Have you received requests for support from women with no recourse to public funds?**



<sup>17</sup> See International Covenant on Economic, Social and Cultural Rights, and General Comment 20 on non-discrimination: [https://tbinternet.ohchr.org/\\_layouts/15/treatybodyexternal/Download.aspx?symbolno=E%2fC.12%2fGC%2f20&Lang=en](https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=E%2fC.12%2fGC%2f20&Lang=en)

<sup>18</sup> [https://tbinternet.ohchr.org/Treaties/CEDAW/Shared%20Documents/1\\_Global/CEDAW\\_C\\_2009\\_WP-1\\_R\\_7138\\_E.pdf](https://tbinternet.ohchr.org/Treaties/CEDAW/Shared%20Documents/1_Global/CEDAW_C_2009_WP-1_R_7138_E.pdf)

## RESULTS

### EFFECTS ON CHILDREN AND CHILDREN'S SERVICES

One survey focused on the impact of the pandemic and lockdown on children experiencing domestic abuse and the Women's Aid Network's children's services. Twenty-eight service providers responded to the survey. One service provider that works across two different local authorities submitted responses for each local authority so there were 29 responses in total.

### ACCESS TO SCHOOL SPACES

Schools in Scotland closed on the 20th March, in an effort to slow the spread of COVID-19. On the 31st March, the Scottish Government published guidance on the provision of spaces in local school hubs for the children of key workers and “vulnerable children”.<sup>19</sup> The initial definition in the guidance of “vulnerable” children and young people included only children with multi-agency child's plans, children whose names are on the child protection register; children who are looked after at home or away from home (in foster, kinship care or residential care); and children who are “on the edge of care” (including care leavers). It did not include any explicit reference to domestic abuse.<sup>20</sup>

Many children and young people experiencing domestic abuse do not have multi-agency child's plans nor meet the other criteria that was initially set out in the

<sup>19</sup> <https://www.gov.scot/publications/coronavirus-guide-schools-early-learning-closures/pages/vulnerable-children/#history>

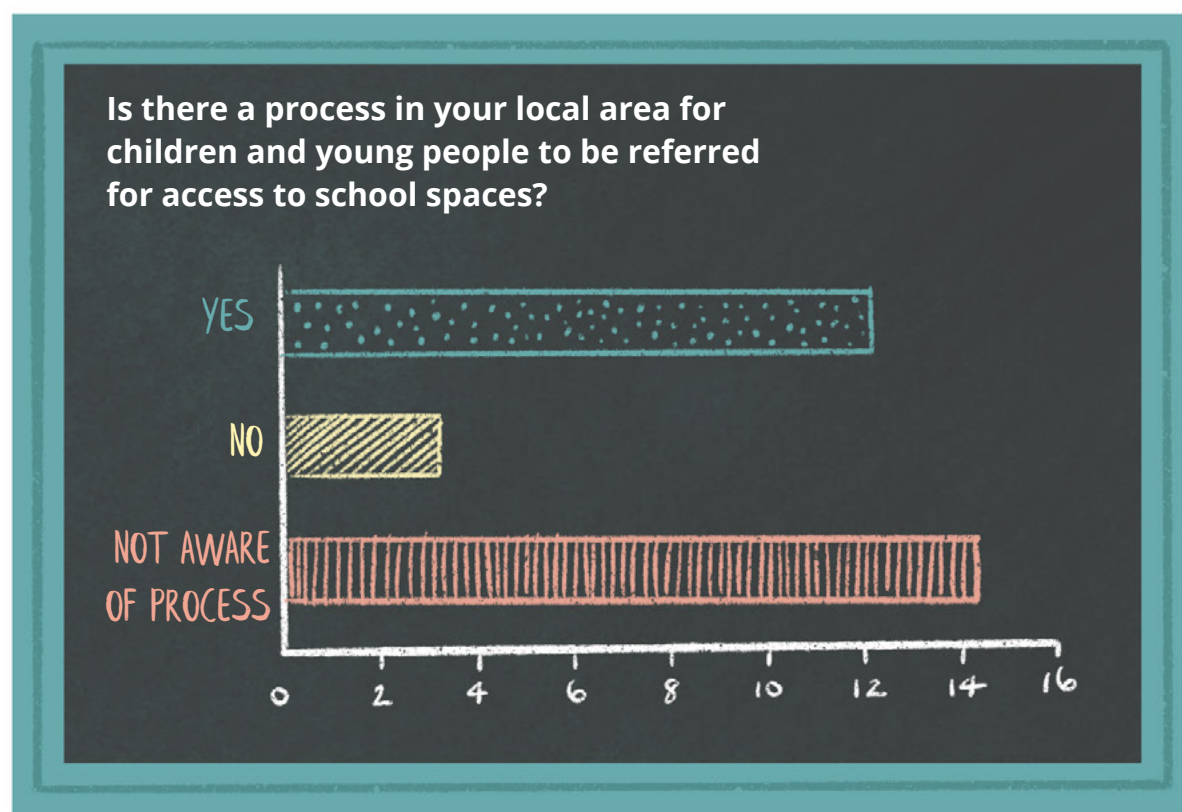
<sup>20</sup> SWA is aware that the Scottish Government sent additional information to local authorities (not publicly shared) referring to the GIRFEC Vulnerability Matrix, which includes domestic abuse, as a useful tool in considering which children are vulnerable.



## RESULTS

guidance. After extensive lobbying, by SWA and other children's rights organisations, the guidance was updated on 10th July (16 weeks after initial publication) to include any child "experiencing adversities including domestic abuse and bereavement" amongst other potential factors for consideration.<sup>21</sup> The Scottish Government has also acknowledged that the number of vulnerable children and young people is highly likely to have increased over the duration of lockdown as a result of additional pressures placed on families and communities by the Covid-19 outbreak.<sup>22</sup>

The survey asked service providers about the process locally for children and young people experiencing domestic abuse to be able to access school spaces. The responses showed an inconsistent patchwork across Scotland. Twelve service providers said that there was a process in their local area for children and young people experiencing domestic abuse to be referred for access to school spaces, whereas 14 service providers were unaware of a process and three said there was no process.



<sup>21</sup> <https://www.gov.scot/publications/coronavirus-guide-schools-early-learning-closures/>

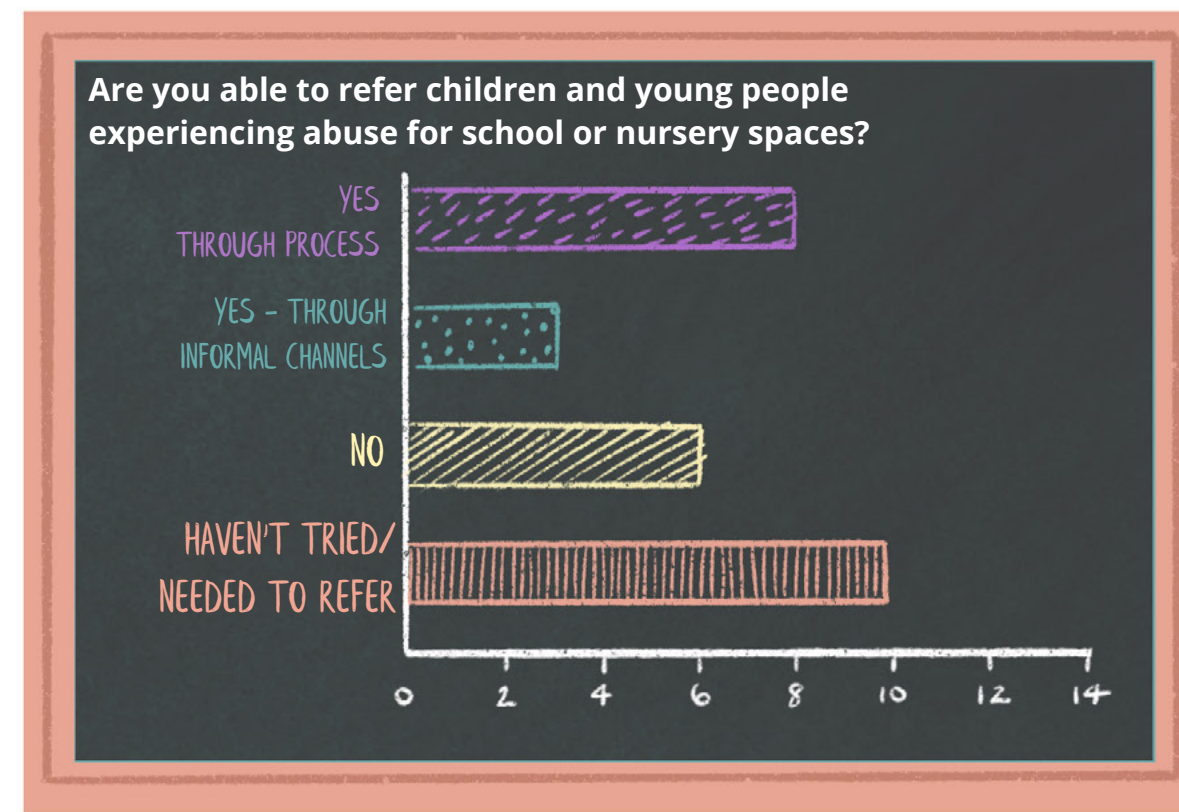
<sup>22</sup> <https://www.gov.scot/publications/supporting-vulnerable-children-young-people-data-intelligence-report/>

## RESULTS

Eight services said that they were able to refer children and young people for school spaces using the local process and another three said they could use informal channels to make referrals.

According to data collected from local authorities by the Scottish Government, the highest number of vulnerable children and young people accessing school spaces was 4,338 on the 17th June.<sup>23</sup> This means that even when numbers of children and young

people accessing spaces were at their highest, fewer than 4.5% of children and young people eligible for spaces in hubs were accessing them.<sup>24</sup> This later dropped to below 2000 vulnerable children and young people a day because, over the summer holidays, many hubs closed or operated restricted hours.. Women's Aid staff reported that it was not clear what criteria schools were using to allocate spaces in hubs during the summer holiday to the children of key workers or to vulnerable children.



<sup>23</sup> <https://public.tableau.com/profile/sg.eas.learninganalysis#!/vizhome/Covid19ELCandHubs/Introduction>

<sup>24</sup> The Scottish Government estimates that 97,000 children and young people in Scotland have a multi-agency plan <https://www.gov.scot/publications/supporting-vulnerable-children-young-people-data-intelligence-report/>



## CHILD CONTACT

Despite increasing understanding of the dynamics of domestic abuse, many people still assume that when women and children no longer live with their abuser, the risks diminish. In reality, for many women and their children, the abuse continues or intensifies after separation. In addition to post-separation harassment, stalking and violence, abusers often use the legal system to continue to exert their power and control. This is a particular problem during child contact proceedings.

Lockdown measures have presented additional opportunities for abusers to continue and escalate abuse through child contact arrangements. The closure of contact centres and increased isolation from support networks mean that handovers for contact have become increasingly dangerous.

The Lord President published guidance on compliance with contact orders at the end of March. This stated that where one parent “is sufficiently concerned that complying with the court order would be against current Government advice... that parent

may exercise their parental responsibility and vary the arrangement to one that they consider to be safe”.<sup>25</sup> While this meant that women were not required to send their children to contact with their abusive ex-partner where they were concerned there were health risks associated with COVID-19, this provision has also been used by abusers to further their abuse by failing to return children to their mothers after contact.

**Human rights**

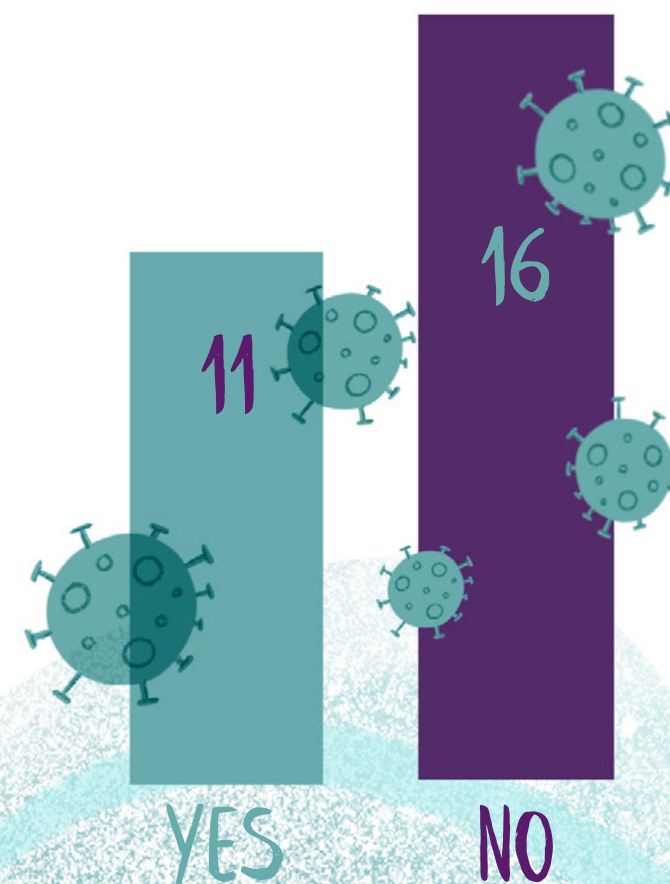
*Under international human rights law, states have an obligation to act in the best interests of the child in every action of the state involving a child. They also have the obligation to protect children from all forms of abuse.<sup>26</sup> This requires ensuring there is clarity on which officials should respond, and the process to follow, in situations where a child may be at risk.*

<sup>25</sup> <https://www.scotcourts.gov.uk/docs/default-source/default-document-library/guidance-on-compliance-with-family-court-orders.pdf?sfvrsn=0>

<sup>26</sup> <https://www.ohchr.org/EN/ProfessionalInterest/Pages/CRC.aspx>

Of the 27 responses to the question, 11 service providers had seen instances of an abuser citing COVID-19 as the reason for failing to return children after child contact.

**Have you seen cases of abusers citing COVID-19 as their reason for failing to return children after child contact?**



Police Scotland advised SWA that they circulated internal guidance on the matter to frontline responders in April. The guidance has not been made public; however, Police Scotland told SWA that it states “all policing responses to child contact incidents must prioritise the safety and wellbeing of the child/children that the contact arrangements relate to. Every case must be fully considered utilising available intelligence and information and assessing any identified threat, risk and harm of domestic abuse.

Of the 11 service providers who had seen cases of abusers failing to return children for reasons the abuser claimed were COVID-19 related, in five cases the police were contacted. In one case the police intervention resulted in the return of the child, in another case, the service reported that the police did a welfare check and saw, but did not speak to, the child. (Service providers did not report the outcome of the call to police in the other cases.)



## RESULTS

The Scottish Government published supplementary child protection guidance on 20 March. The first version of the guidance included mention of domestic abuse as something that was likely to increase as a result of lockdown measures. The guidance was updated on 1 June to include a specific, expanded section on domestic abuse, including the specific example of abuse occurring in relation to child contact arrangements.<sup>27</sup>

Six out of the 11 service providers reported that social workers were contacted about an abuser's failure to return children. One service provider reported that the social worker "provided guidance to both parents re the legalities and the facts of the COVID-19 guidelines." Another service reported that social workers advised the woman to get legal advice. One service provider reported "social work blaming COVID for lack of availability to deal with this" and other that the response of social workers was "limited due to COVID-19".

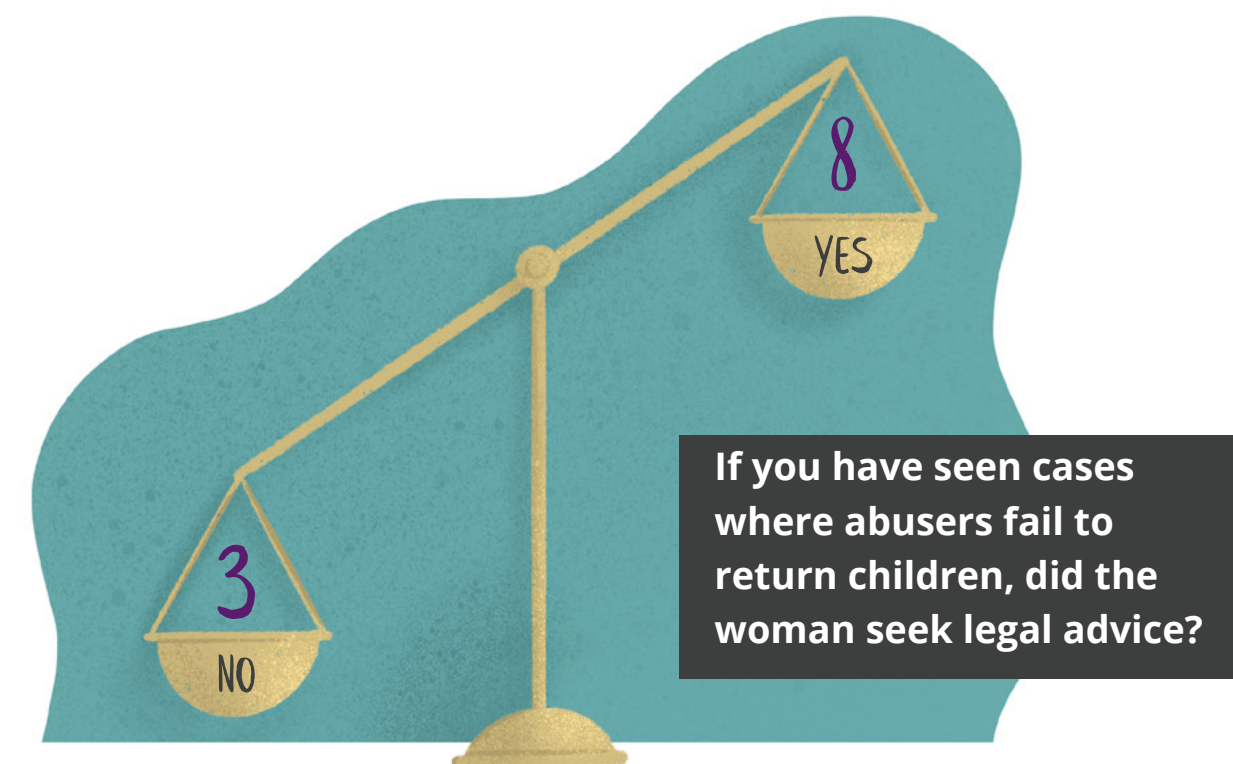


<sup>27</sup> <https://www.gov.scot/publications/coronavirus-covid-19-supplementary-national-child-protection-guidance/>

## RESULTS

Cases involving non-compliance with court contact orders fell into the category of cases that the Scottish Courts and Tribunals Service (SCTS) deemed to be "urgent business" that would continue to be heard during lockdown.<sup>28</sup> However, all civil courts have been conducting significantly less business than usual due to social distancing restrictions. This has resulted in delays in bringing actions and in restarting those that had been adjourned or paused.

Eight service providers reported that women had sought legal advice when their children were not returned. One service reported that the "woman was advised by solicitor that legally not much could be done in lockdown if Dad refused to return child". In some cases, service providers reported lawyers giving advice such as "children were to be returned immediately" and taking action "lawyers have sent out letters with an aim to negotiating contact arrangements and advising of already existing arrangements". However, where the advice was "to bring it up at the next family court contact review hearing", the closure of courts means that a long delay is likely before the next court date.



<sup>28</sup> <https://www.scotcourts.gov.uk/docs/default-source/default-document-library/urgent-civil-business---website-notice.pdf?sfvrsn=6>



## RESULTS

### OTHER CHILD CONTACT ISSUES

Some service providers reported that women were asking whether they were legally obliged to send their children for contact with their abusive ex-partner even when the partner was not respecting lockdown regulations and they were worried about risks from COVID-19. Service providers also reported receiving questions from women about technology-facilitated contact.

*“Women have been calling to ask do they need to make their 5-year old stay on the phone for 30 minutes? Do they need to send their child when the abuser has said in the last 24 hours he’s had COVID 19? Is she breaking the rules in regards to contact?”*

*“Some questions from mums about the rules, i.e. mums asking for advice about handing over kids during lockdown and the safety aspects.”*

Service providers also reported abusers taking advantage of technology-facilitated contact to further their abuse.

*“Children feeling forced/pressured into video calling their dads for the set amount of time they normally have face to face contact (ie 2 hours on a Friday). These conversations are often unsupervised as it’s not appropriate for mum to do this which leaves children vulnerable to coercion and manipulation from the dad.”*

*“Perpetrators using the situation to further coercive control, i.e. using skype/zoom/video calling to see in the home.”*

*“More demand on phone calls, video calls which isn’t feasible. Demanding their children and saying they’ve had COVID recently, showing up when it’s not their day or demanding to change arrangements as they are not working”.*

## RESULTS

### EFFECTS ON CRIMINAL JUSTICE PROCESSES

The survey on criminal justice collected information about any changes in the response of the police, Crown Office and Procurator Fiscal Service (COPFS) and courts to the women experiencing domestic abuse that service providers were supporting. There were 26 responses by service providers to the criminal justice survey.

Shortly after lockdown was announced, Police Scotland highlighted that domestic abuse remained a priority, saying “Where a report of domestic abuse is received, we will continue to respond appropriately and help victims gain access to the support they need.”<sup>29</sup>

On 1 April, the Lord Advocate issued a public statement confirming that domestic abuse remained a priority for prosecutors, and stating the “domestic abuse cases will continue to be prosecuted vigorously and fairly”.<sup>30</sup> The Scottish Government also re-ran their advertising campaign on domestic abuse from 10 April 2020.<sup>31</sup>

Of those responding to the survey, 22 service providers had supported women whose abusers had been arrested since the start of lockdown. Nine out of 26 services said that they had supported women who had received an inappropriate response from the police.

Have you supported women who have experienced an inappropriate response from police since lockdown began?

9  
YES

17  
NO

29 <https://www.scotsman.com/health/coronavirus/coronavirus-fund-gives-womens-domestic-abuse-charities-ps15m-boost-2524152>; <https://www.scotland.police.uk/whats-happening/news/2020/march/nearly-1700-offences-recorded-under-new-domestic-abuse-law>

30 <https://www.copfs.gov.uk/media-site/media-releases/1877-tackling-domestic-abuse-is-a-priority-for-prosecutors>

31 <https://www.gov.scot/news/supporting-domestic-abuse-victims/>



## RESULTS

Service providers were asked to describe the inappropriate police response. Examples included failures to take the abuse seriously by:

- not arresting the abuser even though the woman required hospital treatment;
- not arresting an abuser who had breached bail conditions for a second time;
- arresting, but not charging, an abuser who was then released and returned to continue to assault his partner; and
- making a woman feel like she was a nuisance and time waster.

Other problematic responses mentioned by service providers included repeated failures to provide interpreters for non-English speaking women and instead using male police officers who spoke that language to translate.

## ARRESTS OF WOMEN EXPERIENCING ABUSE

*"Women who have no understanding of their legal rights are being charged even though there has been historical abuse."*

A woman experiencing domestic abuse who is arrested along with the abuser (dual arrest) or instead of the abuser will be highly unlikely to call the police in the future.

Three service providers reported concerning cases of arrests of women. These services had provided support to women who had been arrested along with, or instead of, their abusive partners. The survey asked about the demographic characteristics of the arrested women. Two out of the three services who reported demographic characteristics said that the arrested women belonged to ethnic minorities.

One service described how the woman they supported had a history of experiencing abuse from her husband. She did not speak English and despite the history, the police arrested her and charged her with assault. She was released and went back to the family home.

## RESULTS

## DIFFERENCES IN POLICE RESPONSES TO DOMESTIC ABUSE DURING LOCKDOWN

The survey asked whether service providers had seen any changes in how the police were responding to domestic abuse during the lockdown period. Eleven out of the 26 services that responded reported changes in the police response.

**Have you seen a change in how police respond to domestic abuse since the start of COVID-19?**

YES  
(11)

NO  
(15)

### Positive differences

Some service providers reported that police were being more understanding of the risks faced by women and more responsive.

Positive feedback included:

*"In the majority of cases that there has been more understanding of the situation with DA, recognising the heightened risk in these times."*

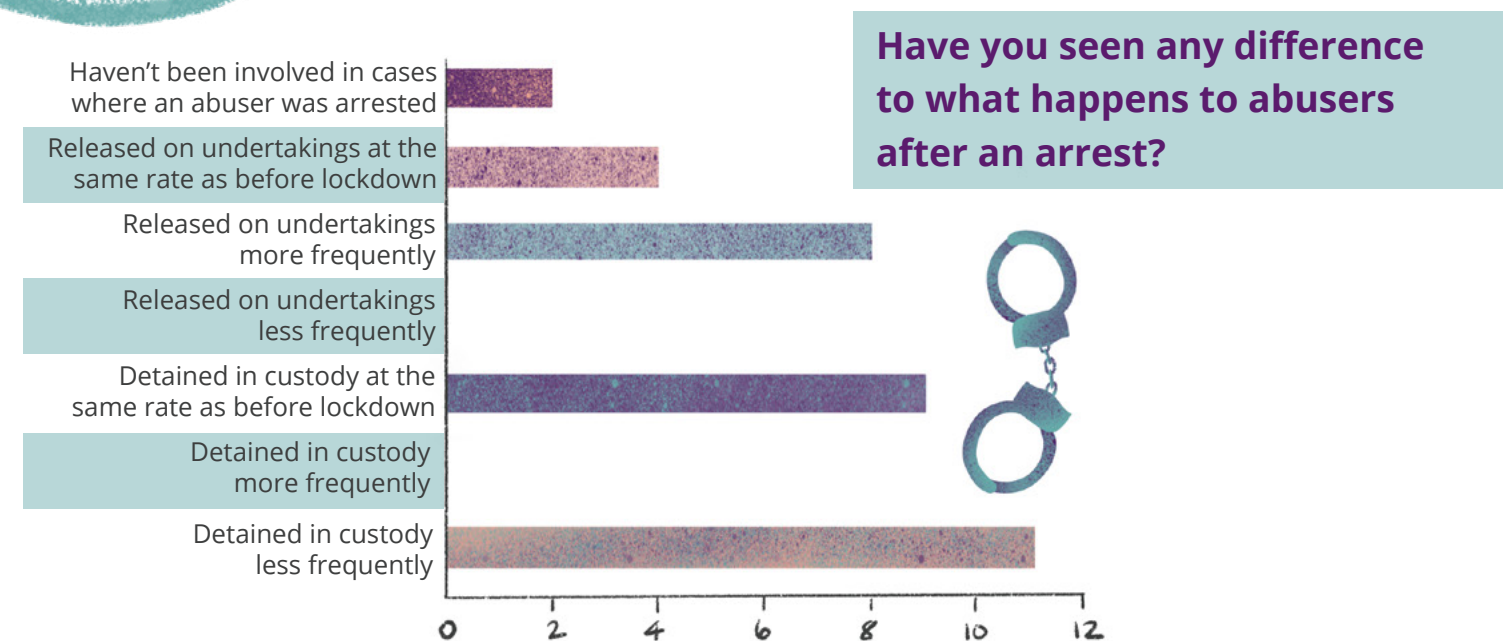
*"Women who have had contact with the police report that they have felt supported and listened to by officers."*

### Police responses that may leave women at increased risk

After the police charge a suspect, there are several possible courses of action: the police may release the accused without conditions pending their first court appearance; they may be released on an undertaking (released subject to agreeing to meet certain restrictive conditions) pending their first court appearance within 14-28 days; or they may be held in custody until a court hearing the next working day.<sup>32</sup>



## RESULTS



When police release someone on an undertaking, they can attach certain conditions to it, such as not committing further crimes and not interfering with witnesses or evidence, in order to protect the safety of the victim of the crime.<sup>33</sup> The Lord Advocate issued revised guidelines on liberation to the police on 30 March. These advised that “Officers should keep an accused in custody where there is a substantial risk to a victim, witness or the public which cannot be mitigated by undertaking conditions” and built on previous guidance and the Joint Protocol on Domestic Abuse by acknowledging the particular risks associated with domestic abuse cases, stating that “in some cases it will be both reasonable and necessary to hold an accused person in custody”. However, for those released on

an undertaking by police, including those charged with domestic abuse offences, the revised guidelines also extended the date of the first appearance at court from 14-28 days to “within 90 days of liberation”.<sup>34</sup>

Many service providers reported changes in what happened after an abuser had been arrested. Services reported seeing an increase in the number of abusers who were being released on undertakings and a decrease in the numbers being detained in custody.

<sup>34</sup> [https://www.copfs.gov.uk/images/Documents/Prosecution\\_Policy\\_Guidance/Lord\\_Advocates\\_Guidelines/Lord%20Advocates%20Guidelines%20on%20Liberation%20Coronavirus%20Publication%20Version%2002%2030%20March.pdf](https://www.copfs.gov.uk/images/Documents/Prosecution_Policy_Guidance/Lord_Advocates_Guidelines/Lord%20Advocates%20Guidelines%20on%20Liberation%20Coronavirus%20Publication%20Version%2002%2030%20March.pdf)  
The guidelines were introduced on 1 April and rescinded on 16 July 2020. SWA understands from Police Scotland that following internal and external concerns about inconsistencies in decision making around use of liberation and custody, they undertook an internal review of police procedure during April and subsequently issued further internal guidance for officers.

## RESULTS

Eleven service providers reported that abusers were being detained in custody less frequently than before lockdown, and nine said that abusers were being detained at the same rate as before lockdown. Eight services reported that abusers were being released on undertakings more frequently than before lockdown. No service providers reported an increase in abusers being detained in custody and no services reported undertakings being used less frequently. Four service providers reported use of undertakings was at the same rate as before lockdown.<sup>35</sup> The survey asked whether abusers with different demographic characteristics (e.g. age, ethnicity, socio-economic status, disability) were more or less likely to be released on undertakings or detained in custody. Services had not seen any differences.

Women’s Aid service providers reported several instances of an abuser being released, returning to the home and continuing to harm the woman, as well as instances of women feeling less safe because they knew the abuser had been released. Services said:

*“[Perpetrator] released back to family home after report of physical assault, continued to assault upon return to home.”*

*“Perpetrators released on undertakings where there is a high risk of breach of conditions. Women feeling less safe when perpetrators are released and not detained in custody.”*

*“They [the police] are not taking perpetrators into custody when there has been an incident, they are released on a 90-day undertaking so are more likely to seek the woman out.”*

### Human rights

*The Scottish Government has a duty to minimise the risk of all individuals arrested for any crime being exposed to COVID-19 while in detention. At the same time, the Government has the obligation to protect victims of crime from suffering further harm from the suspect, if released from detention.*

When police decide not to release abusers on an undertaking and detain in custody until their court appearance, the court, at this

<sup>33</sup> <https://www.mygov.scot/charged-crime/>

<sup>35</sup> The survey allowed for more than one response so the total responses to the question add up to more than 26.



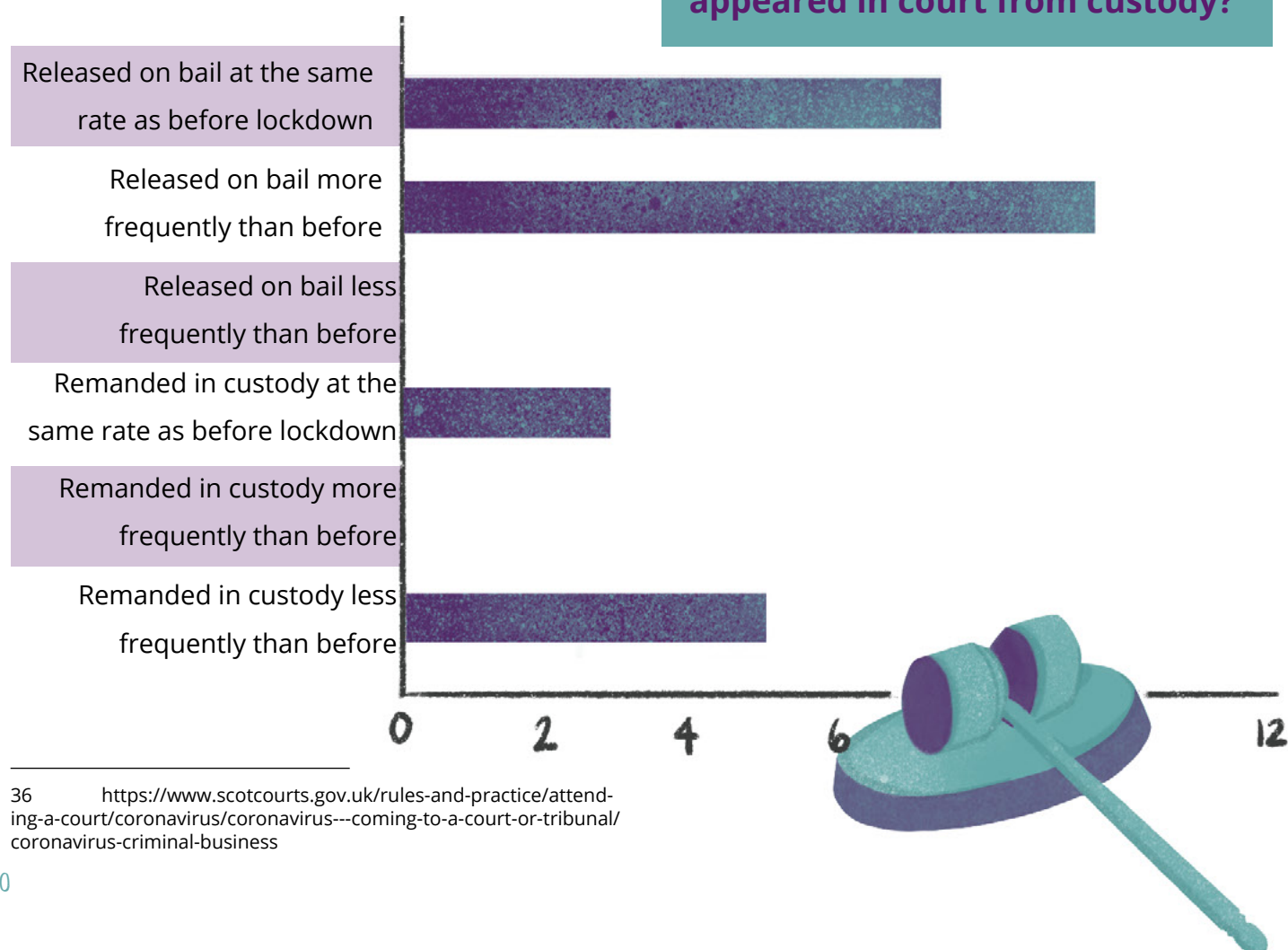
## RESULTS

hearing, can then decide to remand them in custody, release them on bail, or order them appear in court, without conditions. At the start of lockdown, courts were closed to all but “essential” business, which included dealing with accused on remand via video link, and conducting a limited number of summary criminal trials.<sup>36</sup> Although the SCTS envisaged domestic abuse cases being among the limited trials to be conducted, the significant reduction in numbers of cases heard has meant that the backlog of pending cases,

including domestic abuse cases, has increased substantially. Individuals awaiting trial on domestic abuse charges are now spending considerably longer than usual on bail, potentially posing continued risks to their victim.

The survey asked whether service providers had seen changes during lockdown to decisions made by courts to grant bail or remand abusers in custody.

### Since lockdown, what has happened when abusers have appeared in court from custody?



<sup>36</sup> <https://www.scotcourts.gov.uk/rules-and-practice/attending-a-court/coronavirus/coronavirus---coming-to-a-court-or-tribunal/coronavirus-criminal-business>

## RESULTS

Of the 22 service providers that answered the question, ten reported abusers being released on bail more frequently than before lockdown and eight reported similar rates of abusers being released on bail. Five reported that abusers were remanded in custody less frequently than before lockdown and three said abusers were remanded at the same rate. Service providers had not seen any differences based on demographics of abusers related to release on bail or detention in custody.

Service providers said:

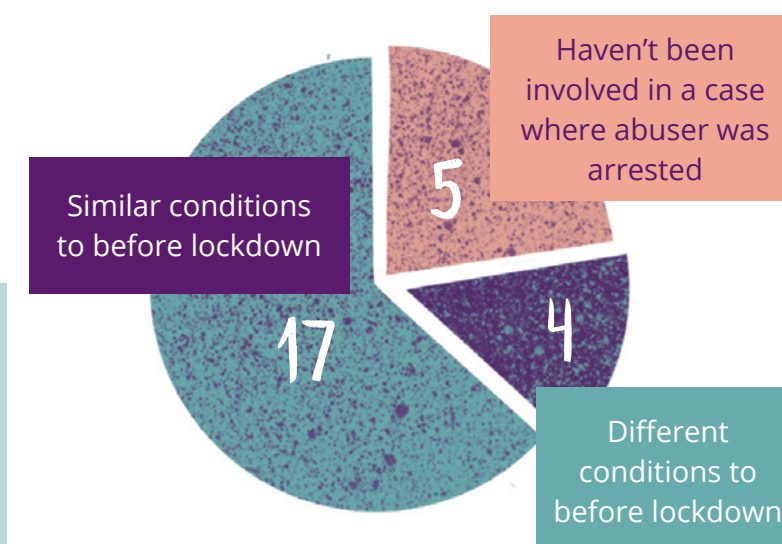
*“For every case it seems like they are let out after appearing in court even when there has been a breach of bail.”*

*“There have been no court sittings so abuser was bailed for a much longer period.”*

*“Perpetrators [are being] released on undertakings where there is a high risk of breach of conditions. Women feeling less safe when perpetrators are released and not detained in custody. Longer wait times for court hearings impacting on women’s health.”*

Courts can impose conditions when they release people on bail. These comprise of standard and special conditions; the latter are imposed to address specific risks posed by the accused to victims and witnesses. The survey asked about the types of conditions being attached to undertakings and bail.

### Since lockdown, what conditions are the police attaching to undertakings and bail?



The vast majority of service providers (17 out of 26) reported that similar conditions to before lockdown were being used by police and courts. A positive comment from one service was:

*“More extensive conditions such as exclusion from a bigger geographical area and bail conditions for incidents which may have been regarded as less significant before lockdown.”*



## RESULTS

However, service providers reported concerns that the use of increased undertakings meant fewer conditions were being imposed on abusers potentially leaving women at risk.

Service providers said:

*"If appearing for a custody hearing, special bail conditions are often set, giving women a sense of security. There are now more undertakings which have no such conditions."*

*"Bail conditions are much less robust, if at all."*

*"Undertaking not explained to woman, [she] wasn't aware that they should offer similar protection to special bail conditions."*

The survey asked about the police response when abusers breached conditions imposed on them by undertakings, bail or non-harassment orders. The majority of service providers (15 out of 26) said that the police response to breaches was similar to before lockdown. Ten services had not been involved in cases involving breaches of conditions. Only one reported a difference in police response.

15  
SIMILAR CONDITIONS  
TO BEFORE LOCKDOWN

10  
HAVEN'T BEEN INVOLVED  
IN A CASE WHERE  
ABUSER WAS ARRESTED

1

DIFFERENT CONDITIONS  
TO BEFORE LOCKDOWN

What has been the police response to breaches of undertakings, bail conditions and/or Non-Harassment Orders since lockdown?

## RESULTS

The service reporting a different to police response to breaches of conditions worked across more than one area. In one of the areas they reported a similar response but said that in a nearby city they had seen cases where the response was problematic.

They reported that "several women with ex-partners ... who have bail conditions that upon breach are released on undertaking. [A] further two had breaches of conditions and no action was taken against perpetrator".

Another service provider noted that while the police response to breaches of conditions had been similar, the response of the courts had been different.

*"Police are regularly reporting offenders for breaches, but the accused are repeatedly given bail, or fined".*



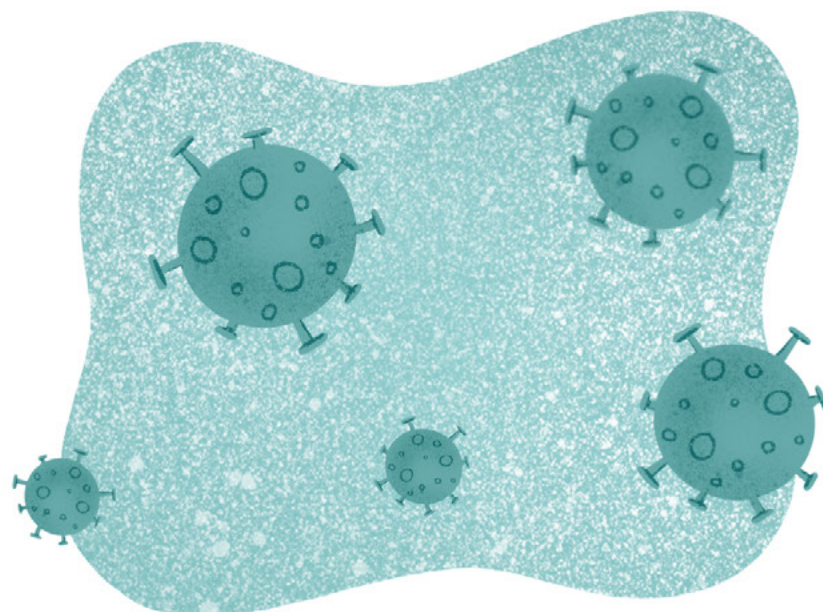
## CONCLUSIONS

The COVID-19 pandemic, and measures to address it, have provided opportunities for domestic abusers to increase their control over women, children and young people and at the same time made access to support more difficult. It has also added immense challenges to the work of Scotland's domestic abuse service providers. The dedication and commitment of the staff across the network has meant that service providers across Scotland rapidly and fundamentally transformed their ways of working in order to continue providing vital support.

An early, and welcome injection of funding from the Scottish Government aided the transition to remote service provision, including through enabling the purchase of IT equipment. However, inconsistent application of Scottish Government guidance by different local authorities caused delays and challenges for service providers, including in obtaining key worker status, PPE, and accessing school spaces for their children.

The Scottish Government has the duty to take urgent measures to protect public health. In some cases, however, those measures have had negative effects on

survivors of domestic abuse, whose rights the government is also obliged to uphold. Pandemic-related safety measures have resulted in fewer refuge spaces being available and in greater barriers to women and their children moving from refuge into permanent accommodation. Existing challenges with the system for child contact in situations of domestic abuse have been exacerbated, and the system has been unable to effectively respond to abusers using the pandemic as an excuse not to return children. Changes to the criminal justice system, such as the increased use of undertakings and bail, have resulted in greater risks to women whose abusers would ordinarily have been remanded in custody. The backlog of court cases resulting from the closure of courts will have an ongoing and debilitating effect on women's access to justice.



## RECOMMENDATIONS

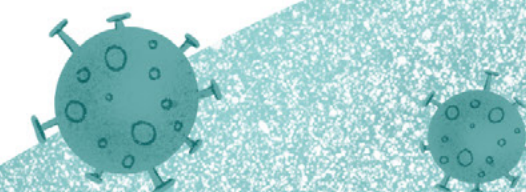
As lockdown and other measures ease, the Women's Aid network is expecting a substantial increase in demand for services. Urgent action is required by the Scottish Government and local authorities to remedy the problems mentioned above and to facilitate effective service provision. In addition, effective planning is needed so that if lockdown measures are required in future, either nationally or locally, previous problems affecting domestic abuse service providers and service users will not be repeated.

### SCOTTISH WOMEN'S AID RECOMMENDS:

- The Scottish Government and local Community Planning Partnerships should allocate sufficient resources that enable Women's Aid specialist domestic abuse service providers to meet the increase in demand for services that is happening now and will continue in the coming months.
- The Scottish Government, COSLA and the Improvement Service should work together with Scottish Women's Aid and local Women's Aid service providers to identify best practices and lessons

learned relating to national and local coordination in order to ensure robust and joined up structures for future recovery work and in case of future lockdowns.

- Local Authorities should work with Women's Aid specialist domestic abuse service providers and local VAWG partnerships to identify best practices and lessons learned from the early response to the pandemic in order to put in place contingency plans in the event of future lockdowns.
- Local Authority commissioners should review commissioning approaches going forward to ensure that specialist Women's Aid domestic abuse services are not subject to competitive tendering during this period.
- Local Authorities should ensure Women's Aid service providers receive clear guidance to assist their safe return to face to face work and adequate PPE to protect the safety and health of staff and service users.





## RECOMMENDATIONS

### HOMELESSNESS

- The Scottish Government should urgently review specialist refuge provision across Scotland to ensure provision of sufficient numbers, and adequate distribution across the country, as required by international standards
- The Scottish Government and COSLA should require social landlords to prioritise allocations of housing to women and their children living in refuges to ensure refuge and specialist support are available when needed for victim-survivors during the next stage of the pandemic recovery.
- The Scottish Government should place the “Domestic abuse: a good practice guide for social landlords” (ALACHO, CIH, SFHA, Shelter Scotland, SWA) on a statutory basis, requiring all social landlords to introduce housing policies and protocols to prevent and respond to domestic abuse in line with this guidance.
- The Scottish Government and COSLA should continue to provide migrant women with “no recourse to public funds” status access to accommodation and other support during the next stage of the pandemic recovery, including support with resolving their immigration status.
- Scottish Ministers should introduce planned legislation (together with new protective order legislation) to enable social landlords to take legal action to end joint tenancies in cases of domestic abuse, introducing domestic abuse as a ground for transferring a tenancy, including provision of appropriate alternative accommodation for the perpetrator.



## RECOMMENDATIONS

### CHILDREN

- Schools should prioritise and encourage the development of staff understanding of domestic abuse, through guidance, educational resources, and training delivered by experts in the dynamics of domestic abuse.
- Schools should work closely with Women's Aid specialist domestic abuse services in order to ensure that children and young people receive necessary support. This includes inviting specialist domestic abuse services to deliver awareness-raising sessions for pupils and facilitating one-to-one support for children and young people in school.
- All Local Authorities and officials making decisions regarding school spaces, recovery from COVID-19, and responses to vulnerable children and young people, should do so with the participation of Women's Aid specialist domestic abuse services.
- Local Authorities should review decision-making around, and implementation of, childcare during lockdown for children of Women's Aid staff and for children and young people experiencing domestic abuse in order to learn lessons in case of future lockdowns.
- Police Scotland should reiterate to officers how child contact is frequently used by domestic abusers as part of an ongoing pattern of abusive and controlling behaviour and clarify officers' powers to proactively intervene in cases where child contact is being manipulated by abusers.
- Civil courts should prioritise cases involving child contact and Parental Rights and Responsibilities, particularly where domestic abuse is an issue.





# RECOMMENDATIONS

## CRIMINAL JUSTICE

- The Scottish Government, SCTS and judiciary should work with Women's Aid to model use of virtual courts and other mechanisms that can bring court waits back to eight to 10 weeks.
- Courts making decisions on bail, and bail conditions, in cases of domestic abuse should consistently assess the risk posed by the accused and ensure that the safety of women and their children is prioritized in those decisions.
- The Scottish Government, Lord Advocate and Police Scotland should assess the impact of the (recently removed) 90-day extension to police liberation on undertakings on the safety of victims and witnesses of crime. The results of this assessment should be used to inform Government action, in the event of future national or local lockdowns.
- The Scottish Government, Police Scotland and COPFS should ensure ongoing monitoring and review of the use of the Joint Protocol on Domestic Abuse, in particular with respect to decisions on arrest and dual arrest of women. They should also monitor and collect data, disaggregated by gender, on the police use of custody versus release on undertaking.



If you are experiencing domestic abuse, you can call Scotland's Domestic Abuse and Forced Marriage Helpline 24/7

on

**0800 027 1234**

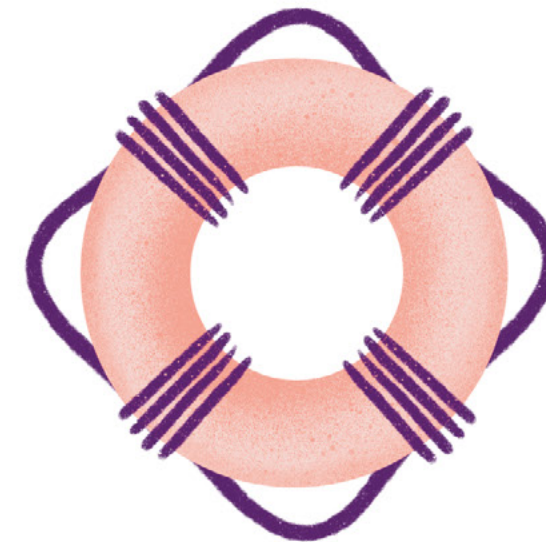
email

**helpline@sdafmh.org.uk**

or access web chat from

**www.sdafmh.org.uk**

The helpline remains fully operational during the coronavirus pandemic.



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