

Criminal Justice Modernisation and Abusive Domestic Behaviour Reviews (Scotland) Bill

Response from Scottish Women's Aid January 2025

Scottish Women's Aid (SWA) is the lead organisation in Scotland working to end domestic abuse and plays a vital role in campaigning for effective responses to domestic abuse.

SWA is the umbrella organisation for local Women's Aid organisations across Scotland; each providing practical and emotional support to women, children and young people who experience domestic abuse. The services offered by our members include crisis intervention, advocacy, counselling, outreach, follow-on support and temporary refuge accommodation.

We also run the Scotland's Domestic Abuse and Forced Marriage Helpline taking over 1000 calls, WhatsApp messages, and texts (24h/365) every month.

Introduction

SWA welcomes this Bill and its primary focus on creating a process and regulatory regime for Domestic Abuse Homicide and Suicide Review, a mechanism that has been sorely absent in Scotland and on which SWA has lobbied and campaigned for a number of years.

PART 1 – CRIMINAL JUSTICE MODERNISATION

Section 2 - Virtual attendance at court

We note that this section modifies the 1995 Act, through a new section 303G to remove the requirement for people to physically attend court when giving evidence, and thereon permit virtual attendance at court, in certain criminal proceedings.

New section 303J in the Bill retains the Lord Justice General's power – initially created in the 2022 Act's temporary provisions – to issue determinations to change the default to virtual attendance for certain types of cases or in certain circumstance. However, the Lord Justice General cannot issue a determination that trials should be held virtually by default, this power is limited to cases where neither section 303G nor 303H applies and the court can overrule any determination.

In relation to domestic abuse complainers, we do not think that this power in the Bill goes far enough.

Despite the fact that the Bill provisions mean courts could choose to allow virtual attendance of complainers and non-public official witnesses, this would only be done on a case by case basis. This will mean there would be no consistent approach across all criminal proceedings, leading to uncertainty, concerns and upset for complainers and any individual determination by the court would be open to challenge by the defence. The result of which will be concern and increased trauma for complainers if they wish to give evidence virtually, or thought they were being allowed to do so, and this was denied.

Additionally, although section 271 of the Criminal Procedure (Scotland) Act 1995 (the 1995 Act), as amended by section 10 of the Victims and Witnesses (Scotland) Act 2014¹ (the 2014 Act), allows victims of offences, the commission of which involved domestic abuse, to be automatically regarded as vulnerable witnesses, with automatic right to have use of a screen, CCTV or supporter when giving evidence. CCTV is not always available in court. Also, this does not automatically allow other non-public official witnesses, such as family, friends, specialist support workers, to give evidence remotely.

Further change is needed and the Bill should provide that, where an offence is alleged to have been committed against the person in proceedings for an offence the commission of which involves domestic abuse, there is a presumption that attendance of complainers and non-public official witnesses, such as family, friends, specialist support workers, will be virtual and not in person. Additionally, the guidance issued by the Lord Justice General should also provide for this position.

There are sound and persuasive arguments to support this:

- It would build on the existing support for vulnerable witnesses giving evidence, as above. The harm and danger of engaging with the existing criminal court processes around domestic abuse has been repeatedly raised by SWA and extensively referred to in research around women's experiences in the criminal justice system.² Women cannot continue to rely on the judiciary and SCTS officials to implement improvements in practice and procedures purely on a discretionary basis.

We call on the Scottish Parliament to make a stronger statement on the need for change through an appropriate amendment to this section.

- It would not prejudice the fairness of the proceedings, or otherwise be contrary to the interests of justice. On the contrary, it is wholly in line with the Scottish Government's commitment to having victim-centred and trauma-informed justice practices supporting vulnerable witnesses to give their best evidence and participate in proceedings.³ This aligns with the direction of travel in Part 2 of the Victims, Witnesses and Justice Reform (Scotland) Bill in introducing duties and powers to ensure the conduct of criminal proceedings is conducted in a way that accords with trauma-based practice.⁴
- It would support the work of the Summary Case Management Pilot.
- Crucially, it would implement the recommendation from the Virtual Trials National Project Board report⁵ and indeed, Sheriff Principal Pyle continues to support this

¹ Victims and Witnesses (Scotland) Act 2014 <https://www.legislation.gov.uk/asp/2014/1/section/10>

² Women's Lived Experiences of Coercive Control, Stalking and Related Crimes, as they progress through the Criminal Justice System

<https://www.sccjr.ac.uk/publication/lived-experiences-of-victims-survivors-of-coercive-control-stalking/>

Domestic Abuse (Scotland) Act 2018 and the Criminal Justice System: Women's Experiences

<https://www.sccjr.ac.uk/publication/domestic-abuse-scotland-act-womens-experiences/>

Exploring views on sentencing for domestic abuse in Scotland <https://www.scottishsentencingcouncil.org.uk/media/ysffguhw/20240812-views-on-sentencing-domestic-abuse.pdf>

³ Domestic abuse- and trauma-informed practice: companion document <https://education.gov.scot/media/kwilejb4/da-trauma-companion-pack.pdf>

A Roadmap for Creating Trauma-Informed and Responsive Change <https://www.traumatransformation.scot>

Trauma Informed Justice Framework <https://www.traumatransformation.scot/app/uploads/2023/09/trauma-informed-justice-knowledge-and-skills-framework.pdf>

⁴ <https://www.parliament.scot/-/media/files/legislation/bills/s6-bills/victims-witnesses-and-justice-reform-scotland-bill/introduced/bill-as-introduced.pdf>

⁵ <https://www.scotcourts.gov.uk/media/31ohvzus/report-to-the-lord-justice-general-virtual-summary-trials-jan-2022.pdf>

position. These recommendations met with the full support of the Lord Justice General and the SCTS⁶ and were welcomed in the HMIPS Report on “The prosecution of domestic abuse cases at sheriff summary level”.⁷

PART 2 – DOMESTIC HOMICIDE AND SUICIDE REVIEW

SWA supports the creation of a statutory model underpinning the process and regulatory regime for domestic homicide and suicide reviews, as we have lobbied for such for almost a decade.

We welcome:

- the inclusion of domestic abuse related suicide.
- domestic-abuse-related family homicide where the perpetrator kills their partner/ex-partner and associated children.
- including violent resistance homicide (where a person experiencing domestic abuse behaviours kills the perpetrator of the abuse).
- Children killed in a domestic abuse context either as direct victims or where they are killed as a means to cause additional harm and abuse to the primary victim of domestic abuse.

Our comments on the individual sections in this Part of the Bill and, where appropriate, their related Explanatory Note, are as follows.

Section 9 - Domestic homicide or suicide review

a) Section 9(1) - Definition of Domestic homicide or suicide review

“9(1) In this Part, “domestic homicide or suicide review” means a review— (a) of the circumstances in which a domestic abuse death, or a connected death of a young person, occurred,...”

We suggest amending the text to read “*domestic abuse death **and/or** a connected death...*” clarifying that these reviews can be undertaken separately or conjoined.

b) Definition of “child” and young person throughout section 9

The intent of this section is not clear and the wording confusing.

- Section 9 appears to use the terms “child” and “young person” interchangeably, with no consistency and “young person” as a shorthand for both.
- Section 9(7)(d) legally defines a young person, but not a child, and that legal definition is based on age. The only definition of a child is in the Explanatory Notes, paragraph 106, which defines a child in terms of the nature of the relationship between that person and Person A and Person B, as opposed to any legal definition relating to age.

⁶ <https://www.lawscot.org.uk/news-and-events/legal-news/report-calls-for-virtual-summary-domestic-abuse-courts/>

⁷ <https://www.prosecutioninspectorate.scot/media/h30hqpbpr/the-prosecution-of-domestic-abuse-cases-at-sheriff-summary-level.pdf>

<https://www.gov.scot/binaries/content/documents/govscot/publications/strategy-plan/2023/11/vision-justice-scotland-three-year-delivery-plan/documents/vision-justice-scotland-three-year-delivery-plan-2023-24-2025-26/vision-justice-scotland-three-year-delivery-plan-2023-24-2025-26/govscot%3Adocument/vision-justice-scotland-three-year-delivery-plan-2023-24-2025-26.pdf>

- Given that “child” in legislation also has a legal definition relating to age, there is the potential for considerable confusion in the Explanatory Notes (see paragraphs 109, 110,) and this section, where these terms appear.

Where “child” or “young person” is stated individually, our position is that both should be used, to clarify that the deaths of children **and** young people are covered.

c) Wording in Explanatory Notes for section 9(3)

Paragraph 105 of the Explanatory Notes, states *“For the purposes of this section, person A is a person who has, or appears to have, behaved in an abusive manner towards person B. To use more everyday language, person A is therefore the “perpetrator” of the abusive behaviour (though it is accepted that there may be some cases where abusive behaviour goes in both directions). The person who is on the receiving end of the abusive behaviour (our emphasis) (i.e. person B) needs to be, at the time of the behaviour, one of the following—*

- *the partner or ex-partner of “the perpetrator”,*
- *the child of “the perpetrator”,*
- *the child of the partner or ex-partner of “the perpetrator”,*
- *a young person living in the same household as “the perpetrator”, or in the same household as “the perpetrator’s” partner or ex-partner.”*

The wording emphasised above is not appropriate and should be deleted. The wording must be amended, to say, for example *“The person who is experiencing the abusive behaviour...”*

d) Definition of domestic abuse - section 9(7)

“9(7) - For the purposes of this section— a reference to behaviour which is abusive (however expressed) is to be construed in accordance with sections 2 and 3 of the Domestic Abuse (Protection) (Scotland) Act 2021, ...”

We note that to ensure all domestic abuse incidents can fall under the remit of the Review, including single incidents, the definition of behaviours in section 2 of the Domestic Abuse (Protection) (Scotland) Act 2021, which reflect the terms of the Domestic Abuse (Scotland) Act 2018, is used, as explained in paragraphs 144, 145 and 146 of the Policy Memorandum.

In relation to paragraphs 145 and 146, which discuss reporting of domestic abuse, we would point out that domestic abuse is a 24/7 phenomenon that is not well described by an incident report. Reporting to the police can be too dangerous for a variety of reasons. A lack of reporting must not be taken as an indicator that no abuse was occurring.

The descriptive text in several paragraphs of the Bill’s Explanatory Notes is not particularly appropriate and we would suggest clarification and amendments as follows:

Explanatory note

Paragraph 107

“Violent resistance” is not explained at all in the Explanatory Notes or the Policy Memorandum. This paragraph needs clarification with the addition of the descriptive text below from Michael Johnson and a link to his work in explaining the typologies: “Violent Resistance – perpetrated while resisting violence, perpetrated more by women in self-defence. Violent resistance occurs when a partner uses violence as a defence in response to abuse by a partner. It is an immediate reaction to an assault and is primarily intended to protect oneself or others from injury.”⁸

Paragraph 110

The wording of the examples set out in this paragraph is not appropriate. Referring to a scenario where a child who was on playdate at a friend’s house and *“gets caught up in a domestic incident and killed”* minimises the abuse.

Paragraph 111

SWA eschew the phrase *“abusive relationship”* as relationships aren’t abusive, abusers are, and to reflect that, suggest deleting the text *“For example, following an abusive relationship a man might kill his wife and then kill himself”* and substituting the following amended wording *“For instance, as part of the abusive behaviour, a man, Person A, might kill his partner during the relationship, or after it has ended, after they had separated, and then kill himself.”*

Section 11 - Review oversight committee

This section refers to the appointment of the review oversight committee (the committee). This will be responsible for securing the carrying out of reviews and overseeing the review process, including the establishment of case review panels (the panel) and determining membership of those panels.

Firstly, we found the wording unclear and lacking clarity but also, in terms of ensuring domestic abuse competence in the oversight process, we have concerns around the Bill’s proposals for the constitution of the committee.

Section 11(4) provides that *“In appointing members under subsection (2)(c)(ii), the Scottish Ministers must ensure that the committee includes representatives of voluntary organisations which provide services to individuals in Scotland.”*

This is further defined in paragraph 118 of the Explanatory Notes which states *“For example, this might be charities which have the purpose of assisting victims of abusive behaviour, or (our emphasis) those which deal with matters such as substance abuse and which have experience of working with those who have suffered or been responsible for abusive behaviour in connection with that.”*

Firstly, this clearly indicates that the inclusion of victim support organisations is discretionary. There is no indication of the proportion of “voluntary organisation” members

⁸ <https://www.bethepeace.ca/articles-1/michael-johnsons-typology-of-domestic-violence>
<https://www.ojp.gov/ncjrs/virtual-library/abstracts/typology-domestic-violence-intimate-terrorism-violent-resistance>

that must be from organisations supporting victims nor reference to specialist voluntary sector organisations. Therefore, the section must contain a requirement that Ministers appoint representatives from expert, specialist, voluntary sector organisations supporting as committee members.

Secondly, this section does not specify the total number of “individual” members likely to be appointed from the statutory “nominated” organisations or from voluntary organisations. This means that the majority of the individual committee members could be from statutory organisations. A balance of voluntary and statutory members must be in place to mitigate the uneven distribution of power and resources in these two sectors.

We also note that the Schedule to the Bill, at paragraph 1, specifies a list of individuals automatically disqualified from appointment as the chair or deputy chair of the committee or chair of the panel due to their holding various offices or positions with various statutory agencies. Paragraph 2 imposes a further set of restrictions on “...*members, employees or appointees of an organisation supporting of victims of crime, or an organisation involved in overseeing the provision of services to victims of abusive domestic behaviour.*” It is not clear why this has been included and clarification is needed.

Section 12 - Case review panels

The panel members will not be full time and will be conducting reviews alongside other calls on their time. Explanatory Notes at paragraph 121 states “...*The intention is that this will be a role performed by people who have valuable insights to offer but who will be able to do this alongside their everyday lives and work.*” There is no indication that either the panel chair or the members will be required to demonstrate any specific knowledge, competency, relevant experience or understanding around the causes, impact and dynamics of domestic abuse, the qualification being, simply that they “... *have valuable insights to offer ...*”.

It is important that members demonstrate a sound understanding of the intersectional gendered dynamics of domestic abuse and experience in a related field. Therefore, a mandatory requirement for a knowledge and competency framework for both panel chairs and members must be clearly stipulated and set out within the guidance that Scottish Ministers are required to produce for the committee and panels, under section 25 of the Bill, and to which the committee and panels must have regard when exercising their functions.

Section 14 - Notification of deaths

Paragraph 162 of the Policy Memorandum states that “...*Ministers may also receive a notification from families or an advocate on behalf of a family requesting a review. Ministers will be able to refer this into the review oversight committee for consideration.*” This is an extremely important opportunity for victim’s families (and supporting organisations) for them to draw Ministers’ and the committee’s attention to a domestic abuse homicide where a review of that homicide does not appear to be forthcoming and the families are concerned that a “*potentially reviewable death*” has occurred. This is not made clear in either the wording of the section or the relevant Explanatory Notes.

For the avoidance of doubt, it must be explicitly set out in both the section and the Explanatory Notes.

Section 16 - Determination as to whether to hold a review

The process set out in this section is not acceptable as it entirely possible for a domestic abuse homicide or suicide not to be reviewed because the committee either considers, for whatever reason, at an early and preliminary stage of the process, that there were no “lessons to be learned” or “opportunities missed, or fails to identify evidence that this was the case. We consider that it requires extensive amendment to achieve the aim of the Bill and the model.

The process is as follows:

- Under 16(1), the committee, firstly, has to satisfy itself that the death is one which is capable of falling within the review model.
- Once the committee is “*satisfied*” that the death falls within the scope of the review model, they have to “*determine*” whether or not a domestic homicide review or suicide review should be carried out, using a “*sift*” based on two criteria/tests below, set out in 16(2). It notes that the question may be referred to Scottish Ministers if the committee is unable to reach a unanimous decision:
 - *the likelihood of the review identifying lessons to be learned from the death which would improve Scottish practice in the safeguarding of those affected by abusive domestic behaviour or the promotion of the wellbeing of victims of abusive domestic behaviour.*
 - *whether Scottish public authorities or voluntary organisations operating in Scotland were involved, or had the opportunity to be involved, in the circumstances leading up to the death... as the review model is about looking at “missed opportunities” by authorities or organisations in Scotland in particular cases and learning lessons from those.”*
- Not only does the committee have to use these two criteria to “*determine*” whether either of the reviews should be carried out (but curiously, not whether both should be carried out and this possibility should be considered) but 16(3) then also sets out “*factors*” to which the committee must have regard as part of the 16(2) “*tests*”, noting that “*other relevant factors could be considered*”:
 - *the extent of the apparent connection between abusive behaviour and the death in question,*
 - *the information available to the committee or a case review panel, or likely to be obtainable by either of them, in respect of the circumstances leading up to the death,*
 - *the extent of the connection which the persons mentioned in section 9(3) or (as the case may be) 9(5) have or had to Scotland.*

These requirements and tests are problematic.

It is not at all clear what information the committee will use in considering the two tests and the three obligatory factors that are part of that process. As stated above, it is therefore entirely possible for a domestic abuse homicide or suicide not to be reviewed because the committee either considers, for whatever reason, at an early and preliminary stage of the process, that there were no “lessons to be learned” or “opportunities missed, or fails to

identify evidence that this was the case. For clarity, it would therefore be helpful if an example be provided in the Explanatory Notes of a case that would not be reviewed.

Section 17 - Carrying out of a review

Subsection (3) requires the committee to set the terms of reference for the review and allows these to be modified as the committee considers appropriate.

There must be consistency across the terms of reference for all reviews, with common themes of investigation and requirements for information set out.

Paragraph 168 of the Policy Memorandum seems to suggest that information on the perpetrator (presumably relating to his criminal history with the victim(s) and any other partners, criminal offending, behaviour, compliance with bail conditions, protective orders, etc,) will not routinely be an automatic consideration in each review. *“In order for a review to be undertaken, information on the victim(s) and the perpetrator (where being considered) needs to be shared with the review.”*

It is vital that the criminal history of the abuser that relates in any way to the perpetration of domestic abuse against the current victim and former partners is made available to, and ingathered by, any domestic abuse homicide or suicide review. This is important information and any review must have full details, and as complete a picture as possible, of the engagement or otherwise, of the civil and criminal justice system with the perpetrator and his behaviour toward the victim(s).

The guidance prepared by Scottish Ministers under section 25 must address this matter and make it explicitly clear that information sought by a committee and panel for reviews will include any criminal history of the perpetrator involving domestic abuse perpetration, either with this victim or others.

Section 18 - Lord Advocate's power to order suspension or discontinuation of review proceedings

While a review can take place during an investigation or criminal proceedings, section 18(1) empowers the Lord Advocate to order to prevent any prejudice to criminal proceedings by, where necessary, ensuring that the review is temporarily paused until any investigation, criminal proceedings or fatal accident inquiry are complete. Subsection (2) empowers the Lord Advocate to order the permanent discontinuation of proceedings where it appears to the Lord Advocate to be appropriate to do so, in light of any investigation relating to the death, or any criminal proceedings or inquiry under the 2016 Act.

While these powers are necessary and appropriate, it is not clear on what basis the Lord Advocate will make these decisions. Therefore, for transparency and accountability, the section should contain, firstly, a duty on the Lord Advocate to produce and publish guidance on the and secondly, provide that updates from the Lord Advocate to Scottish Ministers as to when the review can take place are required on a quarterly or six-monthly basis.

Section 19 - Protocol in relation to interaction with criminal investigations etc.

This section requires the chair of the committee, the Chief Constable of Police Scotland, the Lord Advocate, and Scottish Ministers to “*agree and maintain a protocol*” in relation to the sift process and the carrying out of reviews which must “*describe the general processes and arrangements which the parties intend to follow in order to prevent (so far as within their power to do so) review proceedings causing prejudice to any criminal investigation or any other investigation, any criminal proceedings, and inquiry under the 2016 Act.*”

The Explanatory Notes at paragraph 15 explain what the protocol must cover. However, there is no requirement that this protocol be publicly published so the section must provide that this will happen. This is particularly important since it seems to allow the review oversight committee or a case review panel to provide information obtained in connection with the review proceedings to the Chief Constable of Police Scotland. Presumably this is information around possible criminal activity or offences that was not already in the hands of the police; therefore, any parties providing information to the committee or panel as part of the review process must be informed that this could be passed onto the police and the circumstances in which this could happen.

Section 20 - Duty on public authorities to co-operate

This section obliges the listed “*public authorities*” to “*co-operate with the committee, a panel and also with each other*”. This includes “*participating (if asked to do so) in a review, providing such information or assistance as the review oversight committee or the relevant case review panel reasonably considers necessary to allow them to fulfil their functions... as soon as reasonably practicable following a request.*”

The Parole Board for Scotland and the Risk Management Authority should be added the list of public authorities who can be required to cooperate.

Section 22 - Reports on case reviews

This section makes provision about the report which must be prepared by a case review panel at the conclusion of its review.

Paragraph 170 of the Explanatory Notes sets out “... *certain things which must, under subsection (2), be included in a report...*” and specifically, section 22(2) provides that a report must include “... *information about any occasions when, in the panel’s opinion, an opportunity was missed to— **safeguard those affected by abusive domestic behaviour, or promote the wellbeing of victims of abusive domestic behaviour...***” (our emphasis).

The Explanatory Notes at paragraph 171 expand on this, as follows: “*What the panel considers to be key events will vary from case to case but these do not have to be something momentous. For example, this could include events which might seem relatively innocuous in themselves but in the context of other evidence take on a greater weight (for example, the first of a series of missed appointments with healthcare or social services after a pattern of regular attendance). The dates of these events will be important in the context of the review because of their role in establishing things such as whether a victim had already been identified as a potential victim of abusive behaviour by the time of a particular incident, or whether there had been a series of*

events over an extended period which should have been a warning of possible difficulties.” (our emphasis).

This is missing the obvious point that it is important the review consider not only information about the victim, but also that on the known, and by default, the unknown, behaviour of the perpetrator. Information on all aspects of a perpetrator behaviour and engagement with the criminal justice system and organisations such as social work and third sector bodies, for not only the current victim but previous partners must be gathered, scrutinised, considered and included in this report. Without this, it will not be possible to identify incidents, events, patterns indicating where “*opportunities were missed*” and therefore, “*lessons*” that could be learned as a result.

For instance, referring to the example in the Explanatory Notes above, this could include:

- a series of missed appointments with criminal justice social work or third sector organisations working on bail supervision/community payback orders;
- failure to comply with bail conditions and/or terms of civil and/or criminal protective orders;
- post-separation stalking and harassment;
- police engagement where no further steps were taken; and
- “*events which might have seemed innocuous*” to those without an understanding of the dynamics of domestic abuse.

Once a report is prepared, the chair of the panel has to submit it to the committee for approval under subsection (4) and subsection (5) allows the committee to modify the report or direct the panel chair to do so and resubmit the report. The circumstances of any such modification and the limits to it must also be clarified and be explicitly stated in the guidance that Ministers must produce under section 25.

Subsection (8) provides that the committee can also choose to publish a report (or part of it), subject the Lord Advocate’s consent but that they must, in every case, publish (either in the report itself or elsewhere) “*such information as it considers appropriate about the recommendations made in the report.*” The section is silent on what informs the committee’s discretion: around choosing whether or not to consider publishing a report and when this would not be appropriate; the information it must publish and where. Section 25 must be explicit on clarifying these points.

While we acknowledge that including too much detail may limit the flexibility of the process, it would be sensible for the Bill, or even just the Explanatory Notes, to contain text explaining what information should be considered and that this should also be detailed in the guidance that Ministers must produce under section 25.

Section 24 - Periodic reports

We support the time period in this section, which requires Scottish Ministers to prepare and publish a report on domestic abuse related death reviews every two years, beginning with the end of two years after model coming into force. The statistical information required by section 24(b), must include data on gender, age, ethnicity, disability of adult and child victims and perpetrators.

Schedule

As stated in our comments on section 11, we also note that in the Schedule paragraphs 1 and 3 specify a list of individuals automatically disqualified from appointment as the chair or deputy chair of the committee or chair of the panel due to their holding various offices or positions with various statutory agencies and that paragraph 3(2) imposes a further set of restrictions on “...*members, employees or appointees of an organisation supporting of victims of crime, or an organisation involved in overseeing the provision of services to victims of abusive domestic behaviour.*”

We are unclear as to why this restriction is required as it appears to be a blanket ban and runs the risk of disqualifications being inconsistently applied. Further clarification is needed on why it has been included in the Bill and the intention, for instance whether it is intended to cover individuals from statutory or third sector organisations who have been directly supporting the victim(s) involved and if this is the case, the wording should explicitly state this.

We would also comment that in relation to the exclusion under paragraph 3(2) of those supporting, or providing services to, victims of crime, there is no corresponding exclusion for persons in any type of organisation working with, or providing services to offenders, particularly perpetrators of domestic abuse. Either both those supporting offenders and those supporting victims are restricted or both are equally eligible.

Finally, Paragraph 118 of the Explanatory Notes states “*Where the Scottish Ministers are appointing people of their own accord, they are required under subsection (4) to do this in a way which ensures that the committee includes representatives of voluntary organisations which provide services to individuals in Scotland. For example, this might be charities which have the purpose of assisting victims of abusive behaviour, or those which deal with matters such as substance abuse and which have experience of working with those who have suffered or been responsible for abusive behaviour in connection with that.*” (our emphasis) This addition indicates a misunderstanding of the role that substance abuse plays in the perpetration of domestic abuse and should be deleted.

The SPA, the Scottish Ministers in the exercise of their functions under the Prisons (Scotland) Act 1989, Community Justice Scotland, Social Care and Social Work Improvement Scotland and the Scottish Social Services Council are not included and an explanation as to why this is so would be helpful.