

Scottish Women's Aid- September 2025

Submission on call for views on Prevention of Domestic Abuse (Scotland) Bill

Information about your organisation

Scottish Women's Aid is Scotland's national strategic organisation working to end domestic abuse. We act as an umbrella for the 32 grassroots services across Scotland, host Scotland's Domestic Abuse and Forced Marriage Helpline, and advocate and campaign for progressive policies and practices that reduce the inequalities that enable abuse and constrain women and children.

Notification requirements and monitoring of Domestic Abuse Offenders

1.1 What are your views on this proposal?

SWA welcomes any measures that we are confident would increase safety for survivors and accountability for offenders. Unfortunately, after consultation with colleagues across the system, we are not confident that this element of the proposal would actually make engagement with the justice system safer, and we see significant unintended negative consequences.

The Bill proposes to apply to offenders convicted on indictment. The vast majority of domestic abuse cases are heard in Summary Courts, and the notion that there is "serious" and "non-serious" domestic abuse flies in the face of the evidence of harm, fear, trauma, and injury described in Summary cases. More important, existing arrangements for all offenders, as flawed as they are, provide a foundation for multi-agency information sharing, monitoring, and safety planning that this proposal fails to take account of. We worry that a new procedure designed to protect a small minority of victim/survivors will in fact damage the existing infrastructure designed to protect all victims/survivors.

Existing multi-agency risk assessment and management infrastructure, while in need of strengthening on many fronts, is good practice, with a focus especially on MARACs and MATTACs. This approach has been developed with specialist expertise, survivor input, and rests on a foundation of decades of research that indicate the importance of a rapid, stream-lined, and bespoke process for responding to the safety needs of survivors by protecting them and intervening with offenders. The best way to improve safety is to invest in making good multi-agency work consistently available to all survivors across Scotland.

1.2 Is the definition of a domestic abuse offender in Part 1 of the Bill the right one? N/A

1.3 Do you think these notification and monitoring requirements would help improve safety for victim-survivors?

See above. Most survivors will experience years of post-separation abuse, particularly when young children are involved. In that context, the notification and monitoring scheme is likely to create a false sense of safety for survivors and assumptions that women and children are safer when time periods expire. This seems more likely that the proposed monitoring will substantially improve safety for the small percentage of victims covered.

1.4 Are there any risks or unintended consequences that you think need to be considered?

Our biggest concern is the bureaucratic burden on the system this element of the bill would impose while focusing exclusively on a small number of offenders and offering little for the majority of survivors. MARACs and local multi-agency cooperation in domestic abuse cases are not resting on a statutory requirement. MAPPA arrangements do operate on a statutory footing, are tailored for sexual offenders, and are not and never have been fit for purpose for domestic

abuse offenders. We predict that extending police and local system responsibilities to using the MAPPA framework for these domestic abuse cases will be using the wrong tool, and most worrying, create a competition for resources that operations and arrangements NOT on a statutory footing like MARACs will inevitably lose. Women and children will thus lose the multi-agency supports most likely to protect them.

1.5 Do you think there is other information that domestic abuse offenders should be required to notify the police that isn't included in the Bill?- N/A

1.6 Do you agree with the notification periods included in the Bill or should these be different?- N/A

1.7 Do you agree with the penalties for failing to comply with the notification requirements?- N/A

2. Risk Notifications

2.1 Do you think the provisions in the Bill will mean that more disclosures will be made under this scheme?- N/A

2.2 Could the Bill do more in terms of enabling the disclosure of someone's history of domestic abuse?- N/A

3. Rehabilitation and Behaviour Change Programmes

3.1 What are your views on this proposal?

SWA struggles to see how this proposal will make victim/survivors safer, given the work over the past decade to develop Scotland's accredited and evaluated perpetrator program, Caledonian. We are well aware that, even when developed and implemented according to good-practice guidelines, perpetrator treatment programs demonstrate success in a minority of cases. (See <https://www.work-with-perpetrators.eu/european-standards-for-perpetrator-programmes>.)

One of the minimum requirements for safety is a coordinated partner and child support service. A significant body of research has developed to support the Caledonian model, and we hear from our network that in areas without a program, local criminal justice social work teams are pressured to deliver programs that are cheaper, require less time and less expertise with no infrastructure. This is dangerous practice. We are not confident that the proposal improves on existing practice and may indeed impede progress in this area.

3.2 Can these types of programmes be effective in reducing harm?- N/A

3.3 What kinds of support or follow-up are needed to make them meaningful?- N/A

3.4 Are there currently enough programmes and services in place that if someone is assessed as suitable that they could be provided?- N/A

4. Data collection and reporting

4.1 Do you support this proposal?

Partly.

SWA agrees with the need to collect better data; it should lead to better evidence-based policy- and decision-making which will improve support and provide appropriate services for women and children. We have long advocated for public sector organisations to collect and publish disaggregated data, on BOTH complainers and accused.

Women's Aid specialist services collect data on the women who use their service, to provide the most appropriate services for women in their area. Requiring them to share that data with Scottish Government for this purpose is an unnecessary administrative burden. It could also seriously undermine the relationship they have with the children and women they support.

However, we are keen that the duty include the Scottish Courts and Tribunal Service, which holds critical sentencing data, as well as Police Scotland and COPFS as well as the Scottish

4.2 Is the data the Bill requires to be collected the right information that is needed?

Again, data needs to be collected on accused/perpetrators. We are also keen to see the impact of domestic abuse on children more visible and would add children in the family to the list.

While gathering more detailed data on survivors' and offenders' identities are needed to shape services and funding provision for both services and criminal and civil sectors, careful consideration must be given to how this information is published. Survivors who have experienced domestic abuse exist across society, as do the offenders who abuse. Unfortunately, unhelpful stereotypes persist. Published data could be interpreted in a way that perpetuates these stereotypes and that feeds misogyny, racism, able-ism, and other dangerous attitudes.

4.3 How could this help improve support for victim-survivors?- N/A

5. Domestic Abuse Education in Schools

5.1 What are your views on this proposal?

SWA supports Equally Safe in Schools, an evaluated and positive resource for many schools in Scotland, and we suggest that properly funding and rolling out that program would deliver the intention of this proposal. The proposal as stands raises some alarms for us-the implications for children and parents who choose to withdraw their child, for children in the class who disclose abuse in a setting not properly trained to respond safely for the child are two scenarios we worry about.

5.2 At what age should this education begin?- N/A

5.3 What topics should be covered to make it meaningful and inclusive?- N/A

**5.4 How can we ensure this is delivered in a way that is safe and appropriate for all pupils?
N/A**

6. Support for Victim-Survivors and their Families

6.1 Do you think this Bill goes far enough in addressing the needs of people affected by domestic abuse?

Scotland has a laudable history of using survivor-led, grass roots organisations and experts to design and deliver appropriate support services. What they, and the children and women they support every day, need are requirements to restructure the way that local support services are funded, replacing the inadequate and ineffective system with a need-based one that sustains resilience and innovation and that shores up what is a critically vulnerable network in Scotland.

6.2 What else could be included to strengthen support for victim-survivors, children and families? N/A

7. Concerns About Privacy, Policing or Human Rights

**7.1 Do you have any concerns about the human rights or equality implications of the Bill?
N/A**

7.2 Are there groups of people who might be affected in ways that should be carefully considered (e.g. racialised communities, disabled people, LGBTQ+ people)? N/A

8. Practical Considerations and Resources

8.1 Do you have any views on the practical challenges or resource implications of this Bill?

8.2 Are there specific areas (e.g. rural policing, schools, the third sector) where support would be especially needed?

9. **Anything Else**

9.1 **Do you have any other comments or concerns about the proposals in this Bill that haven't already been covered?**

SWA welcomes the intentions underlying this bill. We note, however, that the bill would better reflect actual prevention of domestic abuse if it followed the principles of Equally Safe in targeting the poverty of income, power and safety that women and children live with that enables abusers and constrains victims-survivors.