



OFFICIAL REPORT
AITHISG OIFIGEIL

Equalities, Human Rights and Civil Justice Committee

Tuesday 24 June 2025

Session 6



The Scottish Parliament
Pàrlamaid na h-Alba

Tuesday 24 June 2025

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EQUALITIES, HUMAN RIGHTS AND CIVIL JUSTICE COMMITTEE
17th Meeting 2025, Session 6

CONVENER

*Karen Adam (Banffshire and Buchan Coast) (SNP)

DEPUTY CONVENER

*Maggie Chapman (North East Scotland) (Green)

COMMITTEE MEMBERS

Pam Gosal (West Scotland) (Con)

*Paul McLennan (East Lothian) (SNP)

*Marie McNair (Clydebank and Milngavie) (SNP)

*Paul O’Kane (West Scotland) (Lab)

*Tess White (North East Scotland) (Con)

*attended

THE FOLLOWING ALSO PARTICIPATED:

Siobhian Brown (Minister for Victims and Community Safety)

Matt Elsby (Scottish Government)

Jeff Gibbons (Scottish Government)

Kaukab Stewart (Minister for Equalities)

Simon Stockwell (Scottish Government)

Nel Whiting (Scottish Government)

CLERK TO THE COMMITTEE

Euan Donald

LOCATION

The James Clerk Maxwell Room (CR4)

Scottish Parliament

Equalities, Human Rights and Civil Justice Committee

Tuesday 24 June 2025

[The Convener opened the meeting at 10:00]

Interests

The Convener (Karen Adam): Welcome to the 17th meeting in 2025 of the Equalities, Human Rights and Civil Justice Committee. We have received apologies from Pam Gosal. Tess White and Marie McNair join us online. I welcome Paul McLennan MSP to his first meeting of the committee.

With that, I turn to our first item of business, which is to invite Paul McLennan to declare any relevant interests.

Paul McLennan (East Lothian) (SNP): I have no relevant interests to declare.

Decision on Taking Business in Private

10:00

The Convener: Our second item of business is to agree to take items 4 to 6 in private. The committee agreed previously to take items 7 and 8 in private. Item 4 is consideration of the evidence to be taken by the committee this morning on post-legislative scrutiny and the non-implementation of parts of specific acts of the Scottish Parliament; item 5 is consideration of the Commissioner for Older People (Scotland) Bill; and item 6 is consideration of a briefing from the Worker Support Centre on temporary and tied visas. Do we agree to take those items in private?

Members indicated agreement.

Post-legislative Scrutiny

Domestic Abuse (Protection) (Scotland) Act 2021

10:01

The Convener: Item 3 is an evidence session on the non-implementation of parts of specific acts of the Scottish Parliament. Those acts are the Domestic Abuse (Protection) (Scotland) Act 2021, the Children (Scotland) Act 2020 and the Female Genital Mutilation (Protection and Guidance) (Scotland) Act 2020.

This morning's session will be split into three parts, with approximately half an hour spent on each of the acts. The committee will hear from the Minister for Victims and Community Safety on the first two acts, and then from the Minister for Equalities on the third act. I refer members to papers 1 and 2.

I welcome to the meeting the Minister for Victims and Community Safety, Siobhian Brown, to discuss the Domestic Abuse (Protection) (Scotland) Act 2021. From the Scottish Government, the minister is joined by Jeff Gibbons, violence against women and girls unit head, and Matt Elsby, deputy director of fiscal policy and constitution. You are all very welcome.

I invite the minister to make a short opening statement.

The Minister for Victims and Community Safety (Siobhian Brown): Thank you very much. Good morning, committee. Convener, I have an opening statement on part 1 of the Domestic Abuse (Protection) (Scotland) Act 2021 and another on the housing aspect, which is in part 2. Is that all right?

The Convener: Yes.

Siobhian Brown: Okay. Thank you very much for the opportunity to provide an update on part 1 of the Domestic Abuse Protection (Scotland) Act 2021 and the work that has been progressed to ensure that a domestic abuse protection order scheme can be successfully introduced.

As I outlined in my letter to the committee last week, and as promised following the committee's earlier evidence session on unimplemented legislation, my officials held a workshop with stakeholders and justice partners in March. The focus of the workshop was to consider a range of options and to seek some level of consensus on the next steps that are required to commence part 1 of the 2021 act.

That workshop was convened in response to repeated efforts to look at how to operationalise

the existing legislation into a sustainable, deliverable and affordable framework. There were no preconceived conclusions as to what it might deliver. It is important to reiterate the continued commitment of all our stakeholders to make the legislation work for the protection of those who are at risk.

The feedback from that process was stark but clear. The overwhelming consensus from those who participated was that fundamental changes are needed to the legislation in order to ensure that the aims of the domestic abuse protection order can be realised.

There were serious concerns about implementing the legislation without those changes being made. Many of those concerns also extended to any attempt to pilot the legislation as it currently stands, which is an option that was discussed.

I note at this point that the Scottish Government has not been alone in its efforts to introduce such measures, which were first conceived during the Covid-19 period. Although the United Kingdom Government has piloted similar proposals, that has not been without its challenges, and those proposals do not include provisions around the taking of evidence from children.

Colleagues in Northern Ireland have also followed our approach and held a detailed workshop, and they await the outcome of our considerations with interest.

In response to the workshop conclusions, we have been considering how best to make progress towards reaching a workable solution on the introduction of such orders and how to ensure that stakeholders are central to that process so that it works for people.

Our first step is to establish a short-life working group, which we hope will meet for the first time in September. Membership will comprise representatives from the organisations that attended the workshop, in order to deliver a collaborative approach. The group will be tasked with navigating possible legislative changes to deliver a workable and sustainable model. That will also provide an opportunity to explore further the relationship between civil and criminal law in relation to domestic abuse incidents.

We will use the group's findings to inform a consultation on possible changes to the legislation in early 2026, and it will be for a new Government and members in the new parliamentary session to take forward any legislation that might be required, including providing the ability to pilot the legislation, if that is thought to be necessary.

Although the further delay is regrettable, it is important that we listen to the feedback of those

who supported and campaigned for the policy and those who would be asked to bring it into practice, so that the law works for people as intended.

I hope that that is helpful on the domestic abuse aspects, and I am happy to answer any questions.

I do not know whether you want me to go on to the housing aspects at this stage, convener.

The Convener: You can do that now, minister.

Siobhian Brown: Thank you.

Thank you for the invitation to provide an update on the progress with implementation of part 2 of the Domestic Abuse (Protection) (Scotland) Act 2021. I understand the committee's concerns that the legislation has not yet been implemented. As we know, domestic abuse is a leading cause of women's homelessness in Scotland, and social landlords have a vital role to play in keeping tenants safe.

Part 2 of the 2021 act provides social landlords with a new ground to apply to the court for an order that, if granted, will have the effect of enabling the landlord to transfer a tenancy to a victim. That will allow landlords, rather than the victims themselves, to take action in court to transfer the tenancy.

Implementation of part 2 of the 2021 act has taken longer than anticipated and a number of challenges have been identified that we are working through with partner organisations in order to allow the provisions to operate as intended. We have worked closely with the Scottish Courts and Tribunals Service on the development of appropriate court rules and changes to court forms.

We have also worked with key stakeholders to develop the secondary legislation that is needed to bring the provisions into force, with the necessary Scottish statutory instruments prepared to support final implementation.

Earlier this year, detailed statutory guidance for social landlords on the use of the new provisions was produced, and the draft was shared with key stakeholders for their views. The feedback has been taken on board and an updated document is being produced. Sharing the draft guidance also brought out further concerns from Police Scotland on information sharing with social landlords, and we are working to find a solution to the issues raised.

We are committed to ensuring that the measures are implemented as intended, and the Government will continue to work towards bringing part 2 of the 2021 act into force in December 2025, although the need to update court rules and resolve the concerns related to information sharing

that were raised by the police might affect the timetable.

I will stop there, convener, to let members ask questions.

The Convener: Thank you very much, minister. I will start.

In your opening statement on part 1 and in your letter to the committee dated 18 June, you confirmed that stakeholders had identified issues with part 1 of the 2021 act of such significance that the shared view of stakeholders and the Government is that part 1 cannot be implemented without legislative changes that require primary legislation. Will you set out in more detail, for the benefit of the committee, what those various issues were?

Siobhian Brown: The workshop included representatives from the Crown Office and Procurator Fiscal Service, Police Scotland, the Scottish Courts and Tribunals Service, the Scottish Legal Aid Board, Scottish Women's Aid, Abused Men in Scotland, the Scottish Law Commission and Advocacy Support Safety Information Services Together—ASSIST—Scotland.

In relation to part 1 of the 2001 act, a key point that was identified in the workshop was that the current timescale between a domestic abuse protection notice being issued and a court application being made for a domestic abuse protection order was too short. The duration period of three months for a DAPO was not considered to be long enough and presents resource challenges. It is a very short timescale for victims to engage with other support services while the DAPO is in place.

There are issues with operational capability, practicalities around timescales and reporting, and the need to give individuals sufficient time to obtain legal representation. Cross-border powers relating to how DAPOs will operate in practice will require further liaison with other jurisdictions, given that this is an area that will be new to all. There is a need for children's views to be obtained. Consideration needs to be given to who will gather those views and what specific training they will need, as well as to what the geographical constraints and timescales might be. A duty of care to victims, perpetrators and families was also identified as an area of concern.

Those were the key issues that were raised in March's workshop.

The Convener: That is very helpful. Thank you, minister.

Maggie Chapman (North East Scotland) (Green): Good morning, minister. Thank you for your opening remarks and for your answer to the

convener's question. Given the range of issues that folk have said would inhibit or restrict implementation, I am interested in whether any of them were raised in the consultation that took place before the Domestic Abuse (Protection) (Scotland) Bill was passed. If such conversations happened before the final vote on the bill, how were the issues dealt with at the time?

Siobhian Brown: At the time, the legislation was intended as an exceptional tool to be used in situations in which no other protections were available. However, it became clear from speaking to operational agencies and stakeholders during implementation planning that the expected volume of new notices and orders that would arise under the 2021 act would lead to significant operational challenges.

I will perhaps ask Jeff Gibbons to speak on that, because he has been involved historically—I appreciate that that was probably before our time. The main aim of the act was to get the protections in place, but the challenge was going to be how it would work operationally.

Jeff Gibbons (Scottish Government): In discussions on the bill as it was going through, it was recognised that there would be some operational challenges, which would be resolved once it passed. I think that it was acknowledged that, although everyone supported the policy intent, the more difficult part would be operationalising the legislation once the bill became an act.

Some issues that were raised in other contexts are still with us and, in some ways, efforts to work through those in the time since the bill was passed have not proven to be successful. Given that context, I suppose that some of the issues are legacy issues.

Maggie Chapman: The committee has just completed an inquiry into legal aid provision. One challenge that was raised was about the ability of victims/survivors to access legal aid. Were conversations happening at the time about what was available, given concerns about geographic variations?

Jeff Gibbons: I was not involved with the legislation at the time, but from what I have looked at I know that there were discussions. It was hoped that some of those issues would be worked through as we looked to operationalise the legislation.

In the workshop discussion, we also looked at opportunities to work through such issues as part of a pilot. Unfortunately, a provision enabling a pilot was not included in the legislation, and even if we did run a pilot, the view was that we would still have faced the same issues. We looked at options to work through those operational challenges as

part of lessons learned from any pilot, but stakeholders did not seem to think that, based on our framework, that was viable.

Maggie Chapman: Okay. I am not sure who wants to take my next question. Given the consultation that is to come and what we know about other structures that need to connect to the process, such as legal aid provision and the training and support that people who are to take evidence from children will need, what lessons can we learn in order to ensure that we are not back here in another year or two, having asked for and got more information and made promises to people, but still unable to deliver DAPOs?

10:15

Siobhian Brown: The legislative process took place at pace because it was during Covid. We were trying to provide for protection orders, and we are now dealing with the aftermath. Stage 3 amendments on which background work might not have been done in relation to their operation might have been agreed to. That can add delays to implementation of provisions, because we need to do work relating to amendments that were agreed to. There are lots of lessons to be learned. I do not know whether Jeff Gibbons wants to add anything.

Jeff Gibbons: By focusing on operationalising the process and trying to find different solutions, we might have taken our eye off the need to look at the legislation based on first principles and what the challenges might be in that regard, but all stakeholders have committed to bringing the legislation to life. By taking a step back and looking at the legislation in the first instance, we might have been able to unravel those issues or they might have become clearer. Given the pace at which the legislation progressed, there has always been an issue in operationalising the policy intent and bringing in stakeholders. Perhaps that could have been worked through a bit earlier. The broader challenges of bringing the legislation to life were probably overridden by the pace of the legislative process, as the minister said, and everyone's commitment to seeing this through. To be frank, there is also the issue of the cost involved with the legislation and how that fits in with making it sustainable.

Maggie Chapman: To clarify, are you talking about the costs involved in implementation for all the partner agencies such as the courts and the police?

Jeff Gibbons: Yes. We want to ensure that the costs are sustainable from the outset.

Maggie Chapman: That is helpful.

I have a question about part 2. Minister, you previously stated that the aim was to lay relevant

secondary legislation in the summer, with it coming into force later this year—in December or over the winter. Can you update us on exactly when that will happen? What are the timescales in relation to part 2?

Siobhian Brown: We are working towards implementation of part 2, and that work is well progressed. As I said earlier, the target is for the provisions to come into force in 2025. Court rules might affect the timetable, but we are aiming for the provisions to come into force in December 2025. I do not know whether Matt Elsby wants to add anything.

Matt Elsby (Scottish Government): That is right—we are working towards December 2025. The one critical outstanding issue relates to data sharing, because we need to have a clear understanding with Police Scotland about what data can be shared between it and social landlords.

Maggie Chapman: That is helpful. Minister, as you were speaking, I was thinking about the relationship between criminal processes and civil processes. Other legislation is going through the Parliament at the moment that involves discussions that relate to, if they do not directly speak to, how civil and criminal courts might be able to work together. Can you say a bit more about that? With the Criminal Justice Modernisation and Abusive Domestic Behaviour Reviews (Scotland) Bill and the Victims, Witnesses, and Justice Reform (Scotland) Bill, there is an opportunity for us to ensure that we get this right. I suppose that I just want some reassurance that, as you work through implementation of part 2 of the 2021 act, you will have your eyes on what is going on elsewhere.

Siobhian Brown: Absolutely. That is vital. I do not know whether you are aware of the work that the Scottish Law Commission is currently doing, too.

Maggie Chapman: Yes.

Siobhian Brown: That is all considered when thinking about how we move forward with everything. I do not know whether Jeff Gibbons or Matt Elsby wants to add anything.

Jeff Gibbons: The Scottish Law Commission was part of our workshop. In relation to the earlier discussion, we are thinking about how we address the on-going challenges relating to civil and criminal processes and how those processes work for our justice partners. That is very much on our radar. In our workshop, we looked not only at the 2021 act but at the broader context.

Maggie Chapman: It would be a shame to get all the data-sharing issues sorted out, only to

realise, “Oh, we didn’t think of this.” It is good that you are thinking about that, too.

The Convener: We now have a question from Marie McNair, who joins us online.

Marie McNair: Good morning, minister, to you and your officials.

The delay in the implementation of part 1 is extremely disappointing. We have heard the concerns about how easy, or not easy, it is to access legal aid. Do you think that the delay in the implementation of part 1 strengthens the policy case for making legal aid more easily available for civil protection orders?

Siobhian Brown: I thank Ms McNair for that question. I know that the committee recently finished its evidence taking on civil legal aid, and I look forward to your report and your recommendations from that.

I think that there is scope for consideration of that suggestion, but as I said in a previous evidence session, I have some concerns about removing means testing in this area. There would be a cost to the public purse, and to ensure equality, we might need to automatically give legal aid to the defender—the person who is alleged to have caused harm—as well as to the applicant. It is quite a complex area and I am open to suggestions on how we move forward. That is worth considering.

Marie McNair: Thanks for that.

The Convener: As no other members wish to come in, that concludes the first part of this morning’s evidence session. We will suspend briefly for a changeover of Government officials.

10:21

Meeting suspended.

10:22

On resuming—

Children (Scotland) Act 2020

The Convener: We move on to our discussion of the Children (Scotland) Act 2020. We are again joined by the Minister for Victims and Community Safety, who is supported by Simon Stockwell, family law unit head at the Scottish Government. You are very welcome. I invite the minister to make a short opening statement.

Siobhian Brown: I am grateful to have the opportunity to outline our approach to implementation of the Children (Scotland) Act 2020. I set out our plans in my letter of 11 March to you, convener. We remain committed to implementing the 2020 act in full.

To date, the Scottish Government has made three sets of commencement regulations in relation to the 2020 act. The most recent set will commence provisions to amend requirements when a parent or another person with parental responsibilities and rights is making a major decision about a child's life. Those provisions will commence on 21 September this year. Those regulations also commenced, as of two days ago, provisions that require a court, when considering a child's welfare in a range of proceedings, to consider whether any delay in those proceedings would negatively affect the child.

We will also lay SSIs in September this year to bring in the regulation of child contact centres. Laying instruments as soon as we can will provide clarity on how regulation will work.

We will lay a further commencement SSI later this year, in October. It will cover a number of areas, including the remainder of section 1 of the 2020 act, on the views of children in court cases in areas such as child contact; sections 2 and 3, on views of children in relation to adoption and permanence proceedings and children's hearings proceedings; section 16, on factors for the courts to consider before making an order on matters such as child contact and residence; section 18, on the duty on the courts to consider the child's best interests when allowing access to information; and section 30(2), on delay in relation to child contact and residence cases.

There is still more work to do. For example, the planned register of child welfare reporters is a key provision of the 2020 act. Child welfare reporters can play a key role in contact and residence cases—they provide reports to the sheriff who is hearing the case and they interview key people, including the child who will be at the centre of the case. We have re-established the child welfare reporter working group, which will look back at changes that were made previously and look forward to the implementation of the register.

I hope that that brief introduction reassures the committee that implementation of the 2020 act is taking place and is continuing and that we recognise the need to implement legislation. The 2020 act is particularly important, given that it is about children. I am happy to answer any questions.

The Convener: Thank you for updating us on when we can expect the sets of regulations. On when the two sets of regulations will take effect, are the lead-in times that were stated in the March letter—12 months and 18 months respectively—still correct?

Siobhian Brown: I will ask Simon Stockwell to confirm this, but I understand that we will lay the SSIs that I just referred to—in relation to sections

1, 2, 3, 16, 18 and 30—in October this year and that the provisions will come into effect in October 2026. However, the lead-in time for the child contact centre SSIs will be a bit longer, at 18 months.

Simon Stockwell (Scottish Government): That is correct.

The Convener: That is great—thank you.

Paul O'Kane (West Scotland) (Lab): Good morning. Given the policy criticisms of the lack of regulation of child welfare reporters, implementation of the regulatory regime that is proposed for them—how that will be carried out—is important. Does the Government intend to implement the regime for child welfare reporters in this parliamentary session or the next? If it is going to be in the next session, is there a best estimate for when that will happen and come into effect?

Siobhian Brown: The Scottish Government recognises that establishing the register of child welfare reporters is a key provision in the legislation. As I said in my opening remarks, we have established the working group and we are looking what changes can be made and how we will establish a register.

The register will not come into effect in this parliamentary session. There is no time for the legislation for that in this session, so we have to be 100 per cent honest that we are aiming to move forward with it and that I envisage it being implemented in the next parliamentary session. I do not know whether Simon Stockwell will be in a position to comment, because it will be up to whoever is in the Administration to decide the priority of that work.

That is where we are at the moment. We are working on the regulation and we recognise its importance, but we will not be in a position to do it in this parliamentary session.

Paul O'Kane: In that case, I am wondering about the legacy of regulation that will be held over from this parliamentary session until the next session. The minister is right to say that we have to go through an election and a Government has to be formed, but do officials have a view on the timescale for the work?

Siobhian Brown: I will ask Simon Stockwell to respond. There is still a lot of work to be done in relation to the 2020 act, as we still have to work through the amendments that I referred to. Simon, if we assume that the act is a priority for the next Government, what timescale do you realistically envisage for implementing the child welfare reporters register, for example?

Simon Stockwell: I think that that would take two to three years. We would need to contract out the day-to-day operation of the register, for

example. We have the option of running it in house with more civil servants, but the logic would be to contract it out. It would probably take a year to go through the tendering exercise, and the contractor would need to gear up.

The incoming Administration would need to make regulations to determine things such as the criteria that child welfare reporters would have to meet in order to be on the register, and there would be a need to set out exactly what training a child welfare reporter had to have. There would then be a recruitment exercise to get lawyers and other professionals to move on to the register.

We would need a year-plus to carry out the tendering for the operation of the register and a year-plus to recruit people on to the register. There would probably also be a need for court rules, although that could be done at roughly the same time. Therefore, I would say that the process would take two to three years.

10:30

Paul O’Kane: That will be useful to the committee when we write our legacy report to hand over to whoever comes next.

A number of non-Government amendments to the then Children (Scotland) Bill that were agreed to introduced various provisions, not least on child advocacy services under section 21 and alternative dispute resolution under sections 23 and 24. At the moment, there is no plan for implementing them. It would be useful if the Government placed on record its policy intention in relation to implementing those provisions. I appreciate that that will probably be done in the next parliamentary session, not this one.

Siobhian Brown: Absolutely. We support ADR, including mediation, in child contact centres. The Scottish Government already provides funding for Relationships Scotland and its network to provide family mediation services.

We have not yet implemented the two ADR provisions in the 2020 act. Section 23, which is on funding ADR in child contact and residence cases, will require a good deal of thought. Given other pressures, section 23 has not been a priority, but we will implement that in time. Section 24 provides for a pilot scheme for information meetings on alternative dispute resolution. That is more of a priority, and lessons from the pilot scheme will inform how we do the work on section 23. However, there is still a fair bit of work to be done in relation to section 24.

I will move on to your question on child advocacy. I think that an amendment on that was introduced before we were all in our current roles. That provision represents a major investment, and

it will provide significant support for children who are at the centre of child contact and residence cases. We are discussing with key bodies what they would like to see, and there are a number of points to consider. For example, what exactly should the role be? We assume that it should involve explaining to the child what the process involves and helping them to give their views as required.

Another point to consider is how to ensure that the role does not cut across the role of any trusted adult or other support services that the child has. We also need to consider how to ensure that the advocate is fully trained, how to provide children with information on the service and how many cases an advocate can realistically take on. We need to work with other adults who might be involved in a case, such as the parents; support workers; people from third sector bodies that provide legal or practical support; any curator appointed by the court; and any child welfare reporter appointed by the court. Work is on-going, and we will consider those matters as we make progress on that area. It is quite complex and there is a lot of work to do.

The Convener: I see that there are no further questions, so that concludes our discussion. I thank the minister and her official for coming along. We will suspend briefly to allow for a change of ministers and officials.

10:33

Meeting suspended.

10:37

On resuming—

Female Genital Mutilation (Protection and Guidance) (Scotland) Act 2020

The Convener: I welcome the Minister for Equalities to discuss the Female Genital Mutilation (Protection and Guidance) (Scotland) Act 2020. The minister is joined by Nel Whiting, the violence against women and girls team leader for the Scottish Government. You are both very welcome. I invite the minister to make a short opening statement.

The Minister for Equalities (Kaukab Stewart): I am grateful to the committee for the invitation to provide information on the work that is being undertaken to implement the Female Genital Mutilation (Protection and Guidance) (Scotland) Act 2020. I want to begin by stressing that the Government is resolute in its commitment to the implementation of legislation passed by the Parliament. As the Minister for Parliamentary Business highlighted when he attended the

committee in December 2024, work involved in implementation can be complex. It also relies on other organisations and agencies that we need to work with. Hence, to ensure the effective implementation of the act, we are working closely with external stakeholders, including Police Scotland, the Scottish Courts and Tribunals Service, local authorities and health representatives, as well as our Scottish minority ethnic women's network. We aim to implement the 2020 act within 2026, but the timeline also depends on other organisations' capacity to implement aspects of the act.

I am clear that, although I want the act to be implemented as soon as possible, we will be implementing it in a way that is sustainable and that ensures that the act can deliver the intended protections to women and girls without placing unmanageable pressure on those who are responsible for delivery.

The work that is under way falls into three main development areas: court rules, statutory guidance and training and awareness raising. I will raise each of those in turn.

Court rules are necessary to provide clarity on how the act will work in practice and what procedures need to be followed to ensure that the legal processes remain effective and efficient. In the case of the FGM act, court rules might be needed to provide clarity on issues such as timescales for carrying out procedural steps; how the views of child victims or witnesses will be sought and by whom; what forms are used to gather information and how it is stored; how anonymity is maintained and where and how removed passports might be stored.

An additional complexity in this instance is that criminal and civil court proceedings will be needed. We have spoken with operational partners and have agreed to establish a legislative working group to ensure that all relevant partners are brought together to work through those issues.

The creation of statutory guidance will help to address knowledge gaps and offer clarity and certainty for practitioners and organisations that are working with victims of FGM. Officials have set up a statutory guidance working group that includes representation from those in health, social work, education, child protection services, Police Scotland, Children's Hearings Scotland, the Scottish Children's Reporters Administration and third sector organisations.

The working group has had two meetings, one of which was held yesterday. As a result, the content, structure and overarching aims of the statutory guidance have been agreed. Officials will be drafting the statutory guidance during the summer of 2025, with the intention of circulating a

draft version to stakeholders for feedback later in 2025.

We have also agreed, along with the group, to the production of sector-specific pamphlets. Those will be concise and accessible resources for professionals to use in their day-to-day practice. A similar approach was taken when we refreshed the statutory forced marriage guidance, and it was received well.

Finally, I will highlight work related to training and awareness-raising materials. Officials are currently undertaking a mapping exercise to identify existing training across sectors such as education, health and policing. That will help us to understand where the gaps and opportunities lie. Once complete, officials will engage stakeholders to co-design appropriate training solutions.

We understand that awareness-raising materials will need to be culturally appropriate, available in multiple languages and produced in inclusive formats to ensure accessibility for all. We also recognise that community-based awareness is crucial, and we will work closely with stakeholders to ensure that that is a core element of our approach.

I hope that the committee can see that real progress is being made towards implementation, and I am happy to take any questions from the committee.

The Convener: Thank you, minister. We will move on to those questions.

Your letter dated 11 March 2025, said that "legal and technical" changes might be required for implementation of the act. Could you tell us a bit more about what those legal and technical changes are and what their impact might be on the implementation of the act?

Kaukab Stewart: We are talking about the court rules, which are a type of secondary legislation that set out the practice and procedures of the courts. They provide clarity about how the act works in practice and about what procedures need to be followed to ensure that the legal processes remain consistent and efficient.

The Scottish Civil Justice Council considers and prepares draft rules of procedure for the Scottish civil courts. When approved by the council, draft rules are submitted to the Court of Session for consideration, and if approved by the court, an act of sederunt is made.

In the case of this act, court rules might be needed to provide clarity on issues such as timescales for carrying out procedural steps in a case; how the views of child victims and witnesses might be sought and by whom; what forms are used to gather that information and how that information is stored; how anonymity can be

maintained; and how removed passports might be stored.

10:45

Of course, the further complexity is that the act allows for FGM protection orders to be issued in both civil and criminal proceedings. During criminal proceedings, courts may impose a protection order following a conviction for an FGM offence. That represents challenges with implementation, as civil and criminal proceedings have different procedures and distinct information technology systems. Therefore, careful consideration is required to ensure that implementation is effective in both courts. We anticipate that implementation of the rules will require systems change and associated costs across the justice agencies.

The Convener: Thank you. We have questions from Marie McNair, who joins us online.

Marie McNair: My questions have been covered by the minister's opening statement.

The Convener: Thank you. Do any other members wish to ask a question? I will go to Maggie Chapman.

Maggie Chapman: Good morning, minister. Thank you for being here. I will dig a little bit deeper into what you have said.

You talked about the legal and technical changes, including sorting out different procedures, and about the distinct IT systems of the criminal and civil courts. How many of those challenges were discussed or excavated at earlier stages, prior to the passage of the act and its achieving royal assent? It seems that some of those challenges should have been obvious. What work was done to understand the scope of the challenges and how they would be dealt with? Why is it that we are dealing with working groups only now?

Kaukab Stewart: Thank you for that question. You will be aware that the act was passed in 2020, so if it is all right to do so, I will bring in Nel on that point.

Nel Whiting (Scottish Government): Thanks, minister.

We can go back and look at the various processes that we went through to see how much was understood. I am aware that there were changes made through amendments, some of which came quite late in the process, so we are dealing with their implementation now.

Whenever a complex piece of legislation is implemented, great minds get together and try to iron things out as soon as possible. There are always snags in the process. This act is no

different from the two acts that you heard about earlier, or any other legislation. We can certainly look at the process that was used during the passage of the act and get back to you, if that would be helpful.

Maggie Chapman: I am trying to get at what we need to guard against for future legislation or even for the implementation of some of this act. Minister, I heard your commitment that you want the act to be implemented soon, but how can we be sure that we do not come across the same issues, either in relation to this legislation or in relation to other similarly complex and sensitive laws that we might wish to enact?

Kaukab Stewart: Based on the awareness that I have gained while I have been in post, I think that it is difficult to pre-empt everything, especially when a piece of legislation cuts across other legislation and across many other domains; for instance, this legislation falls under child protection, too. When that happens, you have to deal with multiple organisations, and bringing people together always takes time. That is, it can be done quickly, but I think that for legislation such as this to be implemented consistently and to be done well, it takes time to iron it all out.

I am aware that the Minister for Parliamentary Business spoke to the committee in December. Like him, I accept that there have been disruptions and delay that we would not have wanted. He outlined clearly some of the reasons for that delay. In that sense, I understand Ms Chapman's point that it has taken time, but we need to keep that in perspective. There are complexities in bringing together many agencies. As I said, the implementation of the FGM act is not within just the Scottish Government's gift. Many other people have responsibilities, and we need to make sure that everybody works together in step. There were clearly also other reasons for the delay. Many things got caught up in Covid—that was well rehearsed at the December meeting, so I will not go into it further. Yes, there has been a delay, but that delay is not entirely to do with the work. I hope that I have demonstrated the clear progress that has been made since the committee was last updated in December.

Maggie Chapman: I have heard quite clearly about the work that is going on, particularly work on the statutory guidance and the cross-agency work, which pulls people in from a range of organisations, agencies and beyond.

Maybe I missed this point, but, given the engagement around children's rights—the United Nations Convention on the Rights of the Child is still a very new and live thing—what involvement has the Children and Young People's Commissioner and her office had in the discussions? I want to hear reassurance that we

are not reinventing the wheel. If good conversations are happening already, can we learn from them so that we do not replicate things, and so speed up implementation?

Kaukab Stewart: Absolutely. The statutory guidance will describe the responsibilities of chief executives, directors and senior managers in agencies that handle cases of FGM. The guidance will also set referral pathways, with the aim of improving collaboration between statutory and specialist services to ensure that victims receive the support that they need. Officials have set up the statutory guidance working group, which includes representatives from health, social work, education, child protection, Police Scotland and third sector organisations. Nel Whiting can confirm whether the children's commissioner was involved. In order to ensure close links with the children's hearings system, representatives are also included from Children's Hearings Scotland and the Scottish Children's Reporter Administration. I do not know for a fact whether the children's commissioner was involved.

Nel Whiting: We do not have the Children and Young People's Commissioner involved in the working group, because it is for people who will be able to advise on practical issues—for instance, what do social workers, the police or Scottish children's reporters need to think about? I think that we have the right people around the table for that.

We can certainly undertake to share the draft guidance with the children's commissioner to get their feedback, as that would be really helpful. However, I think that those who we have around the table now are the right and competent people.

Maggie Chapman: That is helpful. Having the children's commissioner's eyes on that draft might be helpful in spotting things that could cause issues later.

My final question is on training and awareness. How have the conversations gone with bodies that have responsibility for training healthcare professionals and social work professionals? As you identified, it is crucial that there is culturally sensitive training and community-based awareness. If there is not such awareness among our professionals across a wide range of agencies, we will not necessarily be able to provide support to people who need it at the right time. How have the conversations gone with the people who train professionals to be in a position to provide support and identify or notice issues?

Kaukab Stewart: That is a really good point. As I said in my opening remarks, officials are undertaking a mapping exercise to identify the existing training in sectors such as education, health and policing, which will enable us to identify

gaps and opportunities. Once that exercise has been completed, officials will engage with stakeholders to co-design appropriate training solutions. It is essential that they are co-designed and that we hear from people who have experience of the matter, whether they be victims or those who support or provide services, so that we have a joined-up approach. That is one of the reasons why it has taken a bit of time to do the work, but we are determined to do it well and to ensure that our approach is sustainable.

The training materials and the awareness-raising materials will be developed for the professional sector and for the wider public, because there is a need for education and awareness raising across society. As I said, the materials will be culturally appropriate and available in multiple languages. We will ensure that inclusive formats are used so that the materials are accessible to everybody.

In order to further raise awareness, officials are exploring the option of organising an event to mark the international day of zero tolerance for FGM in February 2026. That is an example of work not only with sectors and communities but with civic society at large.

I alluded to materials being developed with our advisory group for ethnic minority women and girls. We are drawing on that group's expertise to ensure that the content is appropriate, accurate and targeted.

I can give you reassurance that that work is well under way. The development of the materials will begin in late summer or autumn. I am establishing a timeline for you over the next year, because we are absolutely on track for implementation in 2026.

Maggie Chapman: That is helpful. My final point is that training and awareness raising cannot be a one-off event; it has to be an on-going process, and the training has to be embedded in the professional training that different professionals go through—that might even involve accreditation. We probably all need to bear in mind that it cannot be a one-off event. The act's provisions might be implemented, but on-going training is really important.

Kaukab Stewart: Absolutely. Experience from England and Wales shows us that increased awareness and training among professionals led to a rise in the number of applications for FGM protection orders. That clearly demonstrates the effectiveness of awareness raising and training being part of implementation.

The Convener: The next questions are from Tess White, who joins us remotely.

Tess White (North East Scotland) (Con): Good morning, minister. I have a couple of

questions. In its response to the committee, the Women's Support Project talked about the delay in refreshing the national FGM guidance and implementing the act. It mentioned the perception that there is a lack of capacity in the Scottish Government's equalities team. Are you satisfied that that team has the resources to deliver progress?

11:00

Kaukab Stewart: To clarify, we are not refreshing the guidance; we are developing statutory guidance.

I am satisfied that we have the resources. I noted with interest the committee's evidence session in December, and I have been very careful to track the progress that we have made in the past six months. I am satisfied that we are on course to deliver in 2026. There are legitimate reasons for the delay, but I absolutely take on board that that is having an impact. We cannot have that. Women are suffering, so we must do everything that we can. I assure the committee that I am satisfied that we are on course.

Tess White: You will be familiar with the Alnisa service for women and girls across the NHS Lothian area who have experienced FGM. It reported a 50 per cent increase in the number of FGM cases in 2023. Members of that service will be watching today. What is your message to organisations such as the Women's Support Project and the Alnisa service, particularly those that are massively concerned that the act has not been implemented yet?

Kaukab Stewart: I am sorry, but could you repeat the last bit of your question? I am afraid that I am a bit hard of hearing.

Tess White: What is your message to women from the Women's Support Project and the Alnisa service who have concerns? As I said, the Alnisa service reported a 50 per cent increase in the number of FGM cases in 2023. What is your message to such services about your personal commitment to delivering the required changes?

Kaukab Stewart: I am very grateful to the Alnisa service for working with us. The Government is benefiting from the experience, knowledge and expertise that that service has to offer. I reassure the committee that we are listening very carefully to its opinions and that we will continue to work with it.

The Convener: As members are content that they have asked all the questions that they wished to ask, that concludes our evidence taking. The committee will reflect on the evidence and consider our next steps. I thank the minister and her officials for joining us.

That concludes our formal business in public. We will move into private session to consider the remaining items on our agenda.

11:03

Meeting continued in private until 11:33.

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