

# Prevention of Domestic Abuse (Scotland) Bill

## Note by the Clerk

### Introduction

1. The [Prevention of Domestic Abuse \(Scotland\) Bill](#) was introduced on 7 May 2025.
2. The Bill seeks to reduce domestic abuse by making changes in four areas:
  - The Bill introduces notification requirements for domestic abuse offenders, requiring them to provide the police with details such as all names used by them, their date of birth, address and passport details, and enabling them to be assessed and managed under multi-agency public protection arrangements (MAPPA).
  - The Bill requires consideration of whether someone convicted of a domestic abuse offence is a suitable candidate to take part in a rehabilitation programme or services with the aim of reducing reoffending.
  - The Bill places a requirement on Police Scotland, the Crown Office and Procurator Fiscal Service and charities to ask for specific information from victims of domestic abuse. This information would be provided on a voluntary basis and the Scottish Government would need to publish an annual report on the data gathered.
  - Lastly, the Bill requires the Scottish Government and education authorities to promote, facilitate and support domestic abuse education in schools.
3. On [25 June 2025](#), the Committee held an initial evidence session with the Member in Charge of the Bill, Pam Gosal MSP. On 3 December 2025, the Committee held an evidence session with Committed to Ending Abuse, Scottish Women's Aid, Scottish Women's Convention and Shakti Women's Aid.

### Today's evidence on the Bill

4. Today's meeting will allow Members to explore the legal, operational and resource implications of the proposals, particularly how the Bill interacts with existing risk-management arrangements and frontline practice. The Committee will hear from—
  - **Dr Emma Forbes**, National Lead for Domestic Abuse, Crown Office and Procurator Fiscal Service
  - **Professor Liz Gilchrist**, Criminal Law Committee, Law Society of Scotland

- **Detective Superintendent Adam Brown**, Police Scotland
  - **Glyn Lloyd**, Chief Social Work Officer and Head of Children's and Community Justice Services Dundee City Council and Chair of Justice Standing Committee, Social Work Scotland
5. The following submissions have been provided to the Committee, which are produced at Annexe A—
- Crown Office and Procurator Fiscal Service
  - Law Society of Scotland
  - Police Scotland
  - Social Work Scotland

## Further reading

6. See Paper 3 for a [SPICe briefing on the Bill](#).
7. [Responses to the Committee's Call for Views on the Bill](#) can be found online.
8. Both the [SPICe analysis of submissions to the Call for Views by individuals](#) and the [SPICe analysis of submissions to the Call for Views by organisations](#) can be read online.
9. In the last several weeks, the Committee has received letters in relation to the Bill from the following organisations: [Dundee Women's Aid](#), [Networking Key Services Ltd](#), [Beria's Place](#), [East Dunbartonshire Women's Aid](#), [Ashleigh Lancaster](#) and [Amina - The Muslim Women's Resource Centre](#)

**Clerks to the Committee**  
**December 2025**

## Annexe A

### Written submission from Crown Office and Procurator Fiscal Service

#### Introduction

1. Effectively tackling domestic abuse is an organisational priority for the Crown Office and Procurator Fiscal Service (COPFS). A consistent and robust approach is essential when dealing with criminal conduct arising from domestic abuse. COPFS is supportive of work by criminal justice agencies and partners which contributes to or embeds such a consistent and robust approach. Although, logically, COPFS is involved when domestic abuse has not been prevented, COPFS is fully supportive of measures to prevent domestic abuse within our society, provided that the effectiveness of those measures is evidence-based and that the measures are a realistic way to achieve the goal of prevention without adverse consequences.
2. To this end, COPFS is a key partner in Equally Safe, the Scottish Government's strategy for preventing and eradicating violence against women and girls. The priorities of the Equally Safe 2023 refresh are:
  - *achieving greater gender equality*
  - *intervening early and effectively to prevent violence and maximising the safety and wellbeing of women, children and young people*
  - *tackling perpetrators* (source: Scottish Government).
3. COPFS welcomes any reform that prevents domestic abuse but is concerned about whether this Bill will prevent domestic abuse and identifies unintended consequences from well-intentioned proposals.
4. COPFS provides the following submissions, focused particularly on Parts 1 and 3 of the Prevention of Domestic Abuse (Scotland) Bill. The submissions do not address the provisions in Parts 2 and 4 of the Bill (other than to the extent covered by the general comments below) on the basis these parts are assessed as beyond the remit of COPFS.

#### Part 1 – Notification requirements for domestic abuse offenders

5. COPFS has the following concerns in relation to this Part:

- (i) The restricted definition of “domestic abuse offender” for the purposes of Part 1 (i.e. restricting this definition to those convicted **on indictment** of an offence involving domestic abuse, and sentenced either to **12 months or more in prison or to a community payback order**, per section 1(3)) is potentially confusing and is inconsistent with the importance placed by criminal justice agencies and third sector organisations in Scotland of a consistent definition of domestic abuse. Risks of this include implying that the notification requirements will apply to all domestic abuse offenders, when they will not, or implying that victims of those the requirements will not apply to are in some way less deserving of protection. The provisions of Part 1 will not apply to the majority of domestic abuse offenders.
- (ii) It is unclear what proportion of the domestic abuse offenders who *would* be subject to notification requirements of Part 1 (estimated in the Financial Memorandum at 3,169), would not already be within Multi-Agency Public Protection Arrangements (MAPPA) or added to the Violent and Sexual Offender Register (ViSOR). The member has stated in correspondence with COPFS that “many” in that estimated cohort “will already be subject to MAPPA.” It is also unclear from the Financial Memorandum whether evolution in the numbers over time has been considered, and to what extent costings have been considered for future years.
- (iii) COPFS questions whether improved monitoring of domestic abuse offenders, and improved public awareness of same, could be better achieved via other means, such as improved resourcing of MAPPA, and improved resourcing and public awareness of the Domestic Abuse Disclosure Scheme for Scotland (DSDAS). In relation to MAPPA, an amendment to the qualifying criteria in section 10 of the Management of Offenders etc. (Scotland) Act 2005 would appear not to depend on the creation of a new statutory notification scheme.
- (iv) There is a foreseeable risk that introducing an additional adverse consequence to domestic abuse conviction (in the circumstances defined in Part 1) may result in less guilty pleas, more victims being required to give evidence at trial, and an increase in disputes within trial about sensitive information such as: a) the precise nature of the parties’ relationship; and b) the applicability or otherwise of the aggravation under s1 of the Abusive Behaviour and Sexual Harm (S.) Act 2016. This is on the basis that successfully disputing the existence of a domestic relationship, or the applicability of the aggravation, would avoid the risk of being made subject to the notification requirements post-conviction which would otherwise exist. This would appear to be at odds with the spirit of the Bill.
- (v) COPFS is concerned that such a statutory monitoring scheme would divert crucial police resource from a currently effective, non-statutory partnership and multi-agency response to risk management, safety planning and

offender management. The interplay of MAPPA, MATAC (Multi Agency Tasking and Coordination, Police Scotland's initiative to identify and manage the most harmful domestic abuse perpetrators) and MARAC (Multi Agency Risk Assessment Conferences, which are regular, local, confidential meetings to discuss how to help victims at high risk of being seriously harmed by domestic abuse) is known to be effective in Scotland. The current multi-agency response is governed by risk assessing and is not contingent on criminal conviction. Put simply, a criminal conviction cannot always reflect the totality of an offender's risk and is not the most reliable barometer for domestic abuse prevention.

### **Part 3 – Data collection and reporting**

6. Justice partners in Scotland have recognised the need to improve the availability and collation of data in relation to characteristics of domestic abuse perpetrators and those who experience domestic abuse, in particular to improve understanding of intersectionality. An identified focus of the Domestic abuse: justice partners group (established in 2023 and attended quarterly by Scottish Government, COPFS, Justice Analytical Services, the Judicial Institute for Scotland, Police Scotland and the Scottish Courts and Tribunals Service) is “developing the evidence base.” In this context, COPFS questions whether the provisions within Part 3 are necessary to improve the dataset.
7. In a justice system that is working towards embedding trauma-informed practice, a more victim-centred approach and – where possible – a single point of contact, COPFS is concerned that these provisions provide for a victim of domestic abuse potentially being asked for the same comprehensive personal data multiple times – by Police Scotland, COPFS and one or more charities they engage with. The member has stated in correspondence with COPFS that the data is to be provided by victims on a voluntary basis and they may decline to provide any of the data requested. COPFS observes that this does not change the requirement in the proposed legislation for them to be asked, potentially repeatedly.
8. COPFS is concerned that the Bill's Financial Memorandum (para. 76) suggests that implementation of Part 3 within COPFS will be low and met within existing budgets. Given the range of data to be collected (as detailed in section 20(1)) and the interface of COPFS systems, implementation is likely to require significant system updates with corresponding resource implications.
9. COPFS would welcome reassurance that it would be able to “collect” data based on information provided by the police in reported cases (as opposed to being required to ask the victim again). Notwithstanding that possibility, there will be time demand for COPFS in checking what data has been collected, requesting further data as required, and recording responses (including any refusals under s22(4)).

10. Given the volume of domestic abuse victims COPFS encounters annually (30,227 domestic abuse charges reported to COPFS in 2024-25<sup>1</sup>), the resourcing impact of these provisions is not insignificant for COPFS and requires to be assessed.

## General comments

11. COPFS understands the challenges inherent in “preventing” domestic abuse in our society. If legislation is to be passed under the heading of “prevent[ing] domestic abuse”, COPFS considers it essential that the legislation is a realistic means of achieving, or at least substantially advancing, that aim. COPFS questions whether this Bill does so.
12. Although not ultimately a provision for COPFS, COPFS highlights in relation to section 28 (domestic abuse education in schools) and the proposed subsection (3) “*A pupil may be withdrawn by their parent from any domestic abuse education provided in any school, and no pupil in any school is to be placed at any disadvantage by reason of their being withdrawn from any domestic abuse education*” that the implications of the United Nations Convention on the Rights of a Child (UNCRC) will require to be considered and addressed.

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<sup>1</sup> [Domestic abuse and stalking charges in Scotland | COPFS](#), COPFS website, published 9 September 2025

## Written submission from Law Society of Scotland

### Introduction

The Law Society of Scotland is the professional body for over 13,000 Scottish solicitors.

We are a regulator that sets and enforces standards for the solicitor profession which helps people in need and supports business in Scotland, the UK and overseas. We support solicitors and drive change to ensure Scotland has a strong, successful and diverse legal profession. We represent our members and wider society when speaking out on human rights and the rule of law. We also seek to influence changes to legislation and the operation of our justice system as part of our work towards a fairer and more just society.

Our Criminal Law Committee welcomes the opportunity to consider and respond to the Scottish Parliament's Criminal Justice Committee's call for views on the Prevention of Domestic Abuse (Scotland) Bill<sup>2</sup>. The Committee has the following comments to put forward for consideration.

### Call for views questions

#### Question 1: Notification requirements and monitoring of Domestic Abuse Offenders

The Bill proposes to introduce notification and monitoring requirements for certain people convicted of domestic abuse. They would be required to tell the police about things like their home address and other addresses they regularly stay at, their passport details and if they change their name. Police would also be able to visit and monitor them.

#### What are your views on this proposal?

We consider that extending the notification and monitoring requirements for domestic abuse offenders is a matter for the Scottish Parliament. Our views will be focused on the practical consequences of a such proposal, if introduced.

We appreciate the proposal may contribute to managing the risk that some convicted people represent to victims and communities. However, as drafted, we have the following concerns:

We note that notification requirements would be imposed for people convicted on indictment for offences involving domestic abuse. These requirements would be applicable to offenders convicted on indictment to a sentence of imprisonment of at least 12 months, when the person is released; or when the offender is subject to a

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<sup>2</sup> [Prevention of Domestic Abuse \(Scotland\) Bill call for views \(parliament.scot\)](https://www.parliament.scot/bills/2020/Prevention-of-Domestic-Abuse-Scotland-Bill)

community payback order imposed under section 227A of the Criminal Procedure (Scotland) Act 1995 with a supervision requirement. For the purposes of Part 1 of the Bill, an offence involving domestic abuse means:

- An offence under section 1(1) of the Domestic Abuse (Scotland) Act 2018,
- An offence under section 17 of the Domestic Abuse (Protection) (Scotland) Act 2021
- Aggravated offences under section 1 (1)(a) of the Abusive Behaviour and Sexual Harm (Scotland) Act.

In our view, the definition of “offence involving domestic abuse” should be reviewed for two reasons.

Firstly, not all of the circumstances defined in section 1(2) of the Bill cover behaviours committed against ex partners. That would be the case for offences under section 1(1) of the Domestic Abuse (Scotland) Act 2018, but that is not always the case.

Secondly, the definition proposed would capture a large number of individuals, including those who may, in reality, pose no appreciable risk to others.

A more precise definition of “offences involving domestic abuse” is critical in terms of resources. The Independent Review into the Police-led Management of Registered Sex Offenders in the Community has indicated:

“The notification scheme has now grown to such extent that the opportunity cost of maintaining its bureaucracy set against the reality of the benefits is too great”<sup>3</sup>.

While the conclusions of the review are only applicable to England and Wales, we are of the view that such evidence should be considered when expanding the notification and monitoring requirements for domestic abuse cases in Scotland.

We consider that the proposed provisions in Part 1 could create a real risk of labelling people as inherently dangerous. We are concerned that such label is imposed on people involved in a single incident that do not represent a high risk for victims and communities.

In our view, a higher threshold for registration would produce a more meaningful register – one involving the most serious offenders, where the risk is likely to be greater.

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<sup>3</sup> [Independent Review into the Police-led Management of Registered Sex Offenders in the Community: Executive Summary \(2022\) \(gov.uk\)](#) Para. 50



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We suggest consideration of the impact that registration requirements have on guilty pleas, which are critical for the sustainability of the system, resulting in only a proportion of cases going to trial. We are aware that one of the main barriers to obtaining guilty pleas in sexual offences is registration requirement in the Sexual Offender Register. Accordingly, we can anticipate that if such a requirement is introduced for domestic abuse offenders, more cases will go to trial, making it more likely that complainers will need to give evidence. This will also have an impact on resources.

Finally, we appreciate that proposed provisions in Part 1 have involved significant costs associated with maintaining and policing the register. We are concerned that other services -such as rehabilitation- may be affected or restricted. If that is the case, we consider that proposed provisions could produce a counterproductive effect.

## **Question 2: Risk Notifications**

The Disclosure Scheme for Domestic Abuse Scotland gives people the right to ask if someone has a history of domestic abuse and lets the police tell people that they may be at risk without being asked. The Bill does not make any changes to this disclosure scheme.

**2.1. Do you think the provisions in the Bill will mean that more disclosures will be made under this scheme?**

**2.2. Could the Bill do more in terms of enabling the disclosure of someone's history of domestic abuse?**

Notwithstanding the fact that no changes to the disclosure scheme are proposed, there is a risk that an obligation to register may have the effect of making charges appear more serious, thereby impacting on individuals' future prospects, including the risk of PVG listing, etc.

## **Question 3: Rehabilitation and Behaviour Change Programmes**

The Bill proposes a power to require certain people who are convicted of domestic abuse offences to be assessed to see if they are suitable to take part in rehabilitation or behaviour change programmes, such as those designed to address violent or controlling behaviour, and that courts, prison throughcare and the Parole Board should take account of this.

**3.1. What are your views on this proposal?**

**3.2. Can these types of programmes be effective in reducing harm?**

**3.3. What kinds of support or follow-up are needed to make them meaningful?**

**3.4. Are there currently enough programmes and services in place that if someone is assessed as suitable that they could be provided?**

We support better rehabilitation services. However, while we appreciate the value of meaningful rehabilitation programmes, we also understand that resources will be required for their implementation. A consistent approach to rehabilitation programmes would benefit offenders and communities but careful consideration should be given to the resource implications that they will involve.

We consider that the evidence on the effectiveness of rehabilitation programmes for domestic abuse in Scotland is outdated. We note that the latest evaluation of the Caledonian System was published in 2016<sup>4</sup>. Updated data would be helpful to analyse the impact that rehabilitation programmes have on domestic abuse offenders.

#### **Question 4: Data collection and reporting**

The Bill would require Police Scotland, the Crown Office and Procurator Fiscal Service (COPFS), and charities supporting victims of domestic abuse to collect certain data about victims, and the Scottish Government to then report on it annually. The data would include if they had a disability and their ethnicity. The Scottish Government would also have to produce an annual report on access to services for people affected by domestic abuse. This might include services like advocacy, safe housing, mental health support or legal help.

**4.1. Do you support this proposal?**

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

**This includes information on victims' age, sex, nationality, ethnic or national origins, and if they have a disability or have been a child looked after by a local authority.**

**4.3. How could this help improve support for victim-survivors?**

We have some concerns regarding the proposal. In our view, the Scottish Government already has important data on domestic abuse cases. When collecting sensitive information, special provisions must be taken to secure and

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<sup>4</sup> [Caledonian System Evaluation: Analysis of a programme for tackling domestic abuse in Scotland \(gov.scot\)](https://www.gov.scot/publications/caledonian-system-evaluation/analysis-of-a-programme-for-tackling-domestic-abuse-in-scotland/pages/122.aspx)

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manage the data collected. This will require resources in from all parties involved in the process of gathering such information.

We note that the focus of the data collection is alleged victims of offences involving domestic abuse. We wonder whether it would be more useful to analyse data regarding the offence itself rather than the complainers' characteristics.

## **Question 5: Domestic Abuse Education in Schools**

The Bill proposes that education about domestic abuse and healthy relationships should be provided in all schools, with the option for parents to withdraw their child from this.

**5.1. What are your views on this proposal?**

**5.2. At what age should this education begin?**

**5.3. What topics should be covered to make it meaningful and inclusive?**

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

We consider that other organisations will be better placed to comment on this aspect.

## **Question 6: Support for victim-survivors and their families**

The Bill does not directly change how support services are delivered, but it does aim to improve information and prevention.

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

**6.2. What else could be included to strengthen support for victim-survivors, children and families?**

We consider that other organisations will be better placed to comment on this aspect.

## **Question 7: Concerns about privacy, policing or human rights**

Some people may have concerns about how the notification requirements and monitoring of domestic abuse offenders could affect people's rights - for example, around privacy or data protection.

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

**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)?**

We do not have a view on this question.

## **Question 8: Practical considerations and resources**

Implementing the notification requirements and monitoring, rehabilitation programmes and school education would all require resources, training and support.

**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?**

Please see our answers to questions 1 and 3.

## **Question 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?**

We do not have anything else to add.

## **Written submission from Police Scotland**

### **Call for Views**

### **Response prepared by SCD Public Protection, Police Scotland**

**Date 08/09/2025**

## **PREVENTION OF DOMESTIC ABUSE (SCOTLAND) ACT – POLICE SCOTLAND RESPONSE**

### **Introduction**

Police Scotland welcomes an opportunity to provide a view on the Prevention of Domestic Abuse Scotland Bill whilst acknowledging that legislative change is a matter for Parliament to consider.

Tackling domestic abuse is a priority for Police Scotland and we are committed to working with our partners to reduce the harm it causes and ultimately eradicate it.

Domestic abuse is a despicable and debilitating crime which affects all of our communities and has no respect for ability, age, ethnicity, gender, race, religion or sexual orientation.

Police Scotland will not tolerate it. We recognise that Domestic Abuse is a multifaceted and complex issue and we will proactively target perpetrators and support victims to prevent domestic abuse from damaging the lives of victims and their families.

Consequently, we are pleased that additional focus is being placed on domestic abuse and consideration of measures to prevent and eradicate it is welcome. Given the ambitious nature of the Prevention of Domestic Abuse (Scotland) Bill, we will address each part individually.

### **Part 1 -Notification Requirements for Domestic Abuse Offenders**

Police Scotland welcomes the provision of effective measures to support our interventions in domestic abuse. On review of Part 1 to the bill, we are not of the opinion that the significant investment of budget and resources needed to meet its requirements are proportionate to the potential benefit.

In terms of notification, there may be some tactical benefits to the police being informed of a perpetrator's circumstances or change in circumstances. For example, disclosure of a

perpetrator's new address may lead to an opportunity to establish if they are living with another person and have potentially entered a new relationship. Indeed, subsection 3(i) references a power for Scottish Ministers to add other information about the offender or their personal affairs. As per the explanatory notes

accompanying the bill, this could include a requirement to notify of a change in relationship status. This could be tactically beneficial to the police and allow for further interventions such as disclosures under the Disclosure Scheme for Domestic Abuse Scotland.

However, such tactical benefits arising from notification are more limited in domestic abuse cases than in the case of a sex offender, for who much more detailed scrutiny of their change in circumstances may be required. For example, this can include tactics such as conducting environmental assessments to ensure a new address is not in the proximity of people who may be vulnerable to their particular type of offending, or in some cases making public interest disclosures to other residents about a potential risk. Holding information such as passport data for sex offenders also has more relevance in order that suitable disseminations can be made to overseas jurisdictions when information is received that an offender has travelled or intends to travel.

We note that Section 15 of Part 1 amends the Section 10 of the Management of Offenders Act 2005 to include people convicted of domestic abuse offences and subject to notification. This effectively creates a requirement to replicate Multi-Agency Public Protection Arrangements (MAPPA), which are currently in place for sex offenders and apply them to domestic abuse offenders. This would require substantial financial and resource investment across multiple agencies.

Considering the existing multi-agency measures designed to complement each other and prevent domestic abuse, it is our opinion that the introduction of MAPPA would create duplication in terms of administrative and operational tasks across agencies and an overlap of responsibilities. This would also compound financial and resourcing challenges.

Existing multi-agency processes where duplication and overlapping responsibilities may be experienced are as follows:

- 1) Multi-Agency Risk Assessment Conference (MARAC) – these are convened across Scotland and, whilst regional variations exist, Police Scotland is a key partner at all. Individual high-risk victims are discussed, and agencies collaborate to establish action plans to keep them safe. MARAC would routinely see attendance by representatives from the same agencies as would attend MAPPA.
- 2) Multi-Agency Tasking & Coordination (MATAC) – a police-led forum, again convened across Scotland whereby high-risk and serial perpetrators are discussed and information shared. All agencies can take actions. Most perpetrators are subject to proactive investigation by specialist detectives in the regional Domestic Abuse Taskforce teams (and other interventions as designated by local area commanders). In 2024/25 the Domestic Abuse Task Force engaged with 534 potential victims resulting in the arrest of 78 high-risk

perpetrators who accumulated 495 charges, including charges for serious sexual violence.

- 3) Disclosure Scheme for Domestic Abuse Scotland (DSDAS) – the police disclosure scheme which provides a legal framework for the police to disclose information about a perpetrator’s abusive history and is not limited to previous convictions. A conviction for Domestic Abuse rarely encapsulates or provides relevant context to the risk presented by a perpetrator. Indeed, a disclosure relating only to a conviction in isolation could create a false sense of security for victims. DSDAS allows for a wider assessment of risk. This supports potential victims in keeping themselves safe, whatever their decision about the future of the relationship.

Multi-agency collaboration is integral to this process, with our partners providing support at decision-making forums (DMF) around whether a disclosure should proceed, how best to deliver it and thereafter assisting in the delivery of disclosures to ensure appropriate aftercare for those receiving the information. In 2024/25 Police Scotland processed 7,296 applications to the scheme, delivering 3931 disclosures. This marked a continuation of a significant year-on-year rise in applications to the scheme since its inception in 2015.

Also relevant is that when convicted of sexual violence, domestic abuse offenders are already subject to notification requirements and management under MAPPA. Provision also already exists in MAPPA to manage non-sexual offenders who have a propensity for serious violence, which could include domestic abusers.

It should be noted that whilst registration requirements and MAPPA exist to mitigate the risk of re-offending by sex offenders, there is no evidence to indicate that the prospect of registration is a deterrent to sexual offending in the first place. Between 2020 and 2025, the total number of sex offenders managed rose from 6150 to 7831, an increase of 27.33%.

The period of management for perpetrators with custodial sentences and CPO will vary from case to case. However, with a proposed minimum period of three times their sentence for offenders sentenced to twelve months or more, plus some offenders subjected to CPO, the number of domestic abuse offenders managed by Police Scotland would inevitably rise exponentially over a period of years.

Police Scotland acknowledges the financial memorandum accompanying the bill and estimation therein of the number of offenders potentially subject to notification and MAPPA in a single year (2023/24 data). Specifically, section 29 of Part 1 of the memorandum states:

“...using offenders convicted under existing legislation as a guide, the estimated cohort of domestic abuse offenders that would be subject to the notification requirements under the Bill is 3,169. This includes: the number of people sentenced

for over a year (67) and given a community payback order (444) under the Domestic Abuse (Scotland) Act 2018, the number of people sentenced for over a year (251) and given community payback orders (2,407) under section 1(1)(a) of the Abusive Behaviour and Sexual Harm (Scotland) Act 2016.” ([Financial Memorandum accessible](#))

Whilst we acknowledge that some of the people convicted may already be subject to MAPPA arrangements, the majority will be newly registered. 3,169 is a very large number of newly registered offenders and effectively, in the space of one year the number of people in Scotland subject to notification and management could rise by between 40% to 50%. Given that a number of these offenders will be managed for a period of years (or in some cases indefinitely) the number will increase rapidly, year on year. Should the current annual increase in convictions under Domestic Abuse (Scotland) Act 2018 (DASA) continue ([Scottish Government Justice Analytical Services Criminal Disposals Dashboard](#)), the increase will be more significant.

Notification and MAPPA management of registered domestic abuse offenders, as triggered by Section 15 of Part 1 of the bill, will therefore substantially increase demand for the Police, our partners and require a suite of new information sharing agreements.

The management of registered sex-offenders is undertaken by dedicated teams of highly trained officers. It is an extremely specialised area of policing, the structure of which would require to be expanded significantly to manage domestic abuse offenders in the same manner. This will require the development and delivery of training, recruitment from frontline policing, upgrades to systems and consideration of suitable locations to base teams.

Considering the likely demand and impact outlined above, Part 1 of the bill will be impossible to implement as written without significant ongoing investment across the police and our partner agencies. Due to this and the existing mechanisms to proactively intervene with victims and perpetrators as detailed, we do not view Part 1 of the bill as being realistically achievable or as impactful as it aspires to be.

## **Part 2 – Assessment of Offenders for Rehabilitation Programmes and Services**

Police Scotland acknowledges that the approach to eliminating domestic abuse must be holistic and recognises the value of rehabilitation programmes and services. We are supportive of these measures as a means to address offending and prevent offenders from causing further harm.

The provisions of Part 2 have limited impact on Police Scotland and we defer to the expertise of the judiciary, local authorities, prison service and parole board in terms of practicalities and potential impact.

However, in general we are supportive of the key principles of Part 2 if it is assessed by our partners that they will have meaningful impact on reoffending.



### **Part 3 – Data Collection**

Police Scotland notes that this section places a duty on the police, procurator fiscal and domestic abuse charities to record and submit this data to the Scottish Ministers.

Much of the relevant personal data (such as age and ethnicity) is already routinely collected by Police Scotland officers during the normal course of exercising their duties.

We recognise that recording and publishing of demographic and contextual victim data from a cross-section of agencies may assist with understanding of groups that are disproportionately affected by domestic abuse and support the direction of resources, support and prevention activity.

Not all victims of domestic abuse may wish to share this information with police officers. Some may take offence at being asked questions about their personal circumstances that do not directly relate to their reason for speaking to the police.

Whilst generally supportive of the principles of Part 3, implementation would require Police Scotland to develop training mechanisms to ensure that the relevant data was collected appropriately and sensitively, along with updates to internal systems to ensure that data is recorded and reported accurately.

### **Part 4 – School Education**

Police Scotland recognises the importance of educating young people about domestic abuse and has previously collaborated with Education Scotland on the “You, Me, Together” resource for delivery to secondary school pupils.

Part 4 predominantly makes requirements of the Scottish Ministers and education authorities and Police Scotland will defer to their expertise to comment further.

### **Part 5 – Ancilliary Provisions**

Police Scotland has no view on Part 5.

## **Written submission from Social Work Scotland**

Social Work Scotland welcomes the opportunity to offer views on this Bill, given the priority given to domestic abuse, violence against women and girls and equally safe policies. The focus in Justice Social Work (JSW), is on working effectively with perpetrators of domestic abuse with a view to reducing the number of future victims. There is direct work undertaken with women and children as part of the Caledonian System (CS).

SWS is interested to consider the Bill alongside the UK wide Grevio (Group of experts on action against violence against women and domestic violence) evaluation report, which includes a number of themes, such as, data, funding, justice journey and employment.

### **General Overview**

Notification and monitoring arrangements for perpetrators of domestic abuse has potential to enhance public protection. However, standalone registration of offenders without tailored programmes, proportional to needs and risk may be insufficient to reduce the likelihood of reoffending in a similar way. Many families remain together following conviction and sentencing, therefore the impact on families need to be taken into account. The notification process may improve information sharing across partners, improve safety planning and detect a pattern of problematic behaviour more quickly. However, the notification process in isolation will not necessarily safeguard wellbeing and stop offending. Specific details around the process are required. For example, who approves the address? How is this achieved? What does the notification mean in practice? It is also not clear how victims would be offered protection as a result of the register?

There is the potential for service generated risks as outlined in the submission. This may be offset by ensuring that robust information sharing and data security is in place. The Bill needs to interface with the disclosure scheme arrangements, in order to avoid overlap within the processes.

### **Rehabilitation and Behaviour Change**

The Bill proposes a requirement for individuals to be assessed for behaviour change programmes. However, alongside assessing risks, needs and suitability, is the need to enhance motivation to participate in any programme of work. Mandatory engagement in a programme may not be effective if the individual is not ready to engage. In addition to any programme, there requires to be associated support services. Ideally continuity of programme availability and delivery should commence in custody with the option of being concluded in the community. This needs to be properly streamlined, managed and resourced. The Caledonian System runs in Scotland, is gender specific and targeted at higher risk of reoffending individuals. It is resource intensive and needs to be properly funded. Safety planning for women and support for children is built into the programme. Other programmes need to be consistently available for those assessed as unsuitable for the Caledonian System as well as more preventative, non-court mandated programmes. Domestic abuse

education and awareness is important in schools, highlighting the characteristics of healthy relationships.

### **Resourcing and implications for JSW**

The resource requirements for JSW are likely to be significant if the Bill is enacted. This includes availability of both increased funding and a well- trained and experienced workforce. It will require staff to compile reports and assessments for courts and parole board, supervise those subject to notification requirements on community pay-back orders, deliver a range of programmes proportional to risk and needs and deliver prison-based social work services. If individuals are managed under MAPPA, JSW will become the new designated “lead” as part of MAPPS (multi-agency public protection system) when introduced in 2027/28.

Availability of other support service which sit alongside JSW should be taken into account such as Housing, Addiction services and Mental Health services.

The Justice landscape needs to be taken into account when considering the implications from this Bill, whereby various additional demands are being placed on JSW. This includes:-

- bail supervision
- diversion from prosecution
- prison population- early emergency release
- redesign of prison-based social work services
- home detention curfew
- increased numbers on community orders
- findings from Care Inspectorate reports and the forthcoming report of the Sentencing and Penal Reform Commission.

### **Conclusion**

The intention of the Bill is positive, regarding notification and monitoring arrangements, but needs to be balanced alongside other factors such as Grevio report recommendations, risks, resourcing implications and more general demands across the Justice landscape.