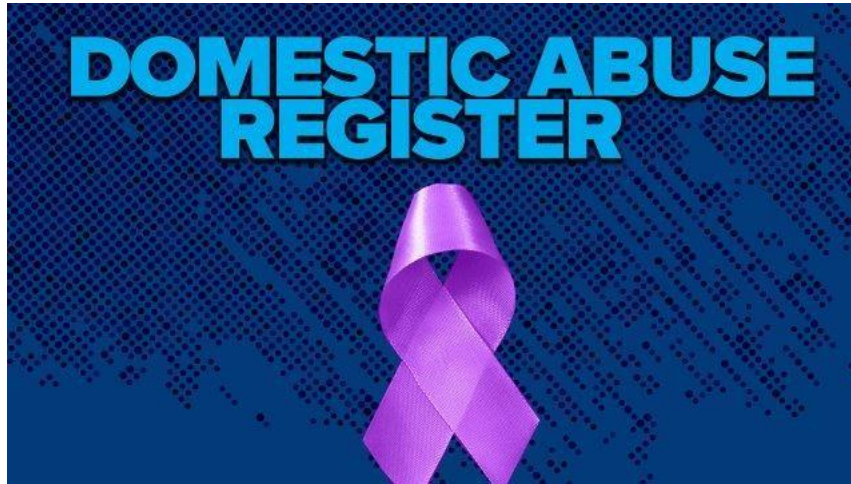


Proposed Domestic Abuse (Prevention) (Scotland) Bill



A proposal for a Bill to make provision for the prevention of domestic abuse and improve support for those affected, including by requiring: those convicted of offences related to domestic abuse to provide information for a register; use of this information to prevent further harm; use of rehabilitation measures in relation to offences related to domestic abuse; collation and reporting of data related to domestic abuse; and domestic abuse education in schools.

Consultation by Pam Gosal MSP
Regional Member for West Scotland

August 2022

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Foreword



Despite recent changes to the law in this area, domestic abuse remains a scourge on Scottish society. This proposal for a Bill will take what will be a significant and, in my view, necessary, step towards giving this horrific crime the stigma it deserves, and significantly reducing its prevalence across Scotland.

As it stands, many of those who commit domestic abuse are free to move around society with their violent past hidden from those around them. These abusers can move from community to community, and from relationship to relationship, while keeping their violent past a secret.

In 2020-2021, we saw over 65,000 domestic abuse incidents in Scotland – the highest number ever recorded, and an increase of 2,344 on the previous year. Domestic abuse cases have increased in every year since 2015-16.¹

Half of these incidents in 2020-2021 were committed by people who already had a history of domestic abuse. I believe that these figures tell a story of a system that is failing to truly deter abusers, and is therefore failing victims too.²

Having spoken to a number of domestic abuse organisations during the preparation for this proposal for a Bill, I have heard first-hand about the systemic problems within the current justice system surrounding domestic abuse.

I have also repeatedly heard about the various issues around data collection, which are preventing victim support services from helping victims with a diverse range of needs in the most effective way– something which this proposal for a Bill will seek to address.

¹ *Domestic abuse statistics recorded by Police Scotland*, 30 November 2021, [link](#)

² *Domestic abuse statistics recorded by Police Scotland*, 30 November 2021, [link](#)

There needs to be a greater emphasis on deterrents for would-be domestic abusers, on measures to rehabilitate those who commit this crime, and on reforming supporting mechanisms including data collection.

This proposal for a Bill seeks to introduce a domestic abuse register, which would require those placed on it to report certain changes in their circumstances to the police, similar to the approach taken for the Sex Offenders Register.

As well as helping to keep potential victims safe from abusers, the register could act as a true deterrent to would-be abusers and as a deterrent to re-offending for those placed on the register.

A person convicted of a sexual offence automatically becomes subject to the notification requirements of the Sexual Offences Act 2003. They become a Registered Sex Offender (RSO). Schedule 3 of the Sexual Offences Act 2003 lists the relevant sexual offences. The reconviction rate for sexual crimes is significantly lower than certain other crimes.³

I believe the Sex Offenders Register plays a notable role in keeping reconviction rates lower. On that basis, and on the basis of inadequacies in current systems relating to preventing domestic abuse in Scotland, I want to develop a workable model for a Register in relation to domestic abuse.

While deterrents and punishments form a significant part of an effective domestic abuse strategy, so do rehabilitation measures. Lessons from other countries show us that mandatory rehabilitation measures imposed on some of those convicted of domestic abuse can be genuinely effective in reducing reoffending rates. We know that some studies show that rehabilitation measures are more effective for physical abusers, rather than those more likely to display traits of coercive control⁴. This proposal for a Bill would therefore seek to introduce a requirement for a number of suitable measures to be used by the Scottish justice system.

In addition, removing cultural barriers, including on a willingness to report domestic abuse, and to seek refuge and support, is also incredibly important. During my childhood, I would watch as victims of domestic abuse would enter my mother's shop in Argyll Street in Glasgow, seeking refuge from homes where the threat of domestic abuse was ever-present.

These are complex issues and different people, and groups of people, have very different experiences and face distinct challenges. Having grown up within the BAME community I know that there are numerous difficulties presented when attempting to tackle domestic abuse in BAME communities, particularly when it comes to reporting it. I have also heard first-hand the issues facing disabled people. It is clear that a one-size-fits-all approach to tackling domestic abuse will never be effective in a

³ [Reconviction Rates in Scotland: 2018-19 Offender Cohort \(www.gov.scot\)](http://www.gov.scot)

⁴ *Project Mirabel Final Report*, January 2015, [link](#).

diverse society such as Scotland. Understanding the prevalence of domestic abuse, the barriers to tackling abuse for different demographics, and the need for tailored services in different communities is a complex issue.

There is currently no Government data available on domestic abuse that is broken down by the specific groups of individuals who are victims of this abuse, such as those with a disability or ethnic minorities. This lack of data makes it difficult to distribute financial resources effectively and sufficiently. The collection of more intersectional data could allow interested stakeholders to better plan and target their services. Only by taking time to assess and monitor these multi-faceted problems can these issues be tackled.

This is why my proposal for a Bill aims to introduce a requirement for the Scottish Government to measure and monitor these issues regularly in order to understand the specific experiences of different communities and demographics and to then identify effective solutions to make the system work for all demographics. Publishing this information will also be valuable in informing the work of third sector organisations involved in supporting victims, rehabilitating offenders and preventing incidents of domestic abuse.

Achieving a cultural shift also depends on shaping how domestic abuse is viewed by young people. Education on what constitutes a healthy relationship and understanding the signs of domestic abuse and its impact on others should, I believe, be provided to young people who are at school in Scotland. This would be a requirement under my proposal for a Bill.

It is also important to note, that while this proposal for a Bill recognises that women are disproportionately victim of domestic abuse, and men – perpetrators. This Bill proposal acknowledges that both men and women can be victims and perpetrators, respectively. It is important that this is reflected throughout the proposed bill.

In summary, with instances of domestic abuse currently at a record high in Scotland, and with half of these cases being committed by reoffenders⁵, there is a clear need for the measures set out in this proposed Bill. I believe there is a public appetite for them too⁶ and now I want to hear your views on these policies. Thank you for taking the time to share evidence, your views and your experiences with me to assist me in taking forward this crucial work.

Pam Gosal MSP

August 2022

⁵ *Domestic abuse statistics recorded by Police Scotland*, 30 November 2021, [link](#)

⁶ *Domestic abuse protection orders consultation analysis*, [link](#)

How the Consultation Process works

This consultation relates to a draft proposal I have lodged as the first stage in the process of introducing a Member's Bill in the Scottish Parliament. The process is governed by Chapter 9, Rule 9.14, of the Parliament's Standing Orders which can be found on the Parliament's website at: [Scottish Parliament Standing Orders](#)

At the end of the consultation period, all the responses will be analysed. I then expect to lodge a final proposal in the Parliament along with a summary of those responses. If that final proposal secures the support of at least 18 other MSPs from at least half of the political parties or groups represented in the Parliamentary Bureau, and the Scottish Government does not indicate that it intends to legislate in the area in question, I will then have the right to introduce a Member's Bill. A number of months may be required to finalise the Bill and related documentation. Once introduced, a Member's Bill follows a 3-stage scrutiny process, during which it may be amended or rejected outright. If it is passed at the end of the process, it becomes an Act.

At this stage, therefore, there is no Bill, only a draft proposal for the legislation. The purpose of this consultation is to provide a range of views on the subject matter of the proposed Bill, highlighting potential problems, suggesting improvements, and generally refining and developing the policy. Consultation, when done well, can play an important part in ensuring that legislation is fit for purpose.

The consultation process is being supported by the Scottish Parliament's Non-Government Bills Unit (NGBU). NGBU will also analyse and provide an impartial summary of the responses received.

Details on how to respond to this consultation are provided at the end of the document.

Additional copies of this paper can be requested by contacting me at Pam Gosal MSP, Room M2.09, The Scottish Parliament, Edinburgh, EH99 1SP or by email pam.gosal.msp@parliament.scot or by telephone on 0131 348 5950.

Enquiries about obtaining the consultation document in any language other than English or in alternative formats should also be sent to me.

An on-line copy is available on the Scottish Parliament's website <https://www.parliament.scot/> under Bills and Laws/Proposals for Bills.

Aim of the Proposed Bill

Background

Prevalence of domestic abuse in Scotland

The most recent domestic abuse recorded crime bulletin was published [by the Scottish Government] in November 2021 and includes data covering 1999-00 up to 2020-21⁷. In 1999-00, 33,187 incidents of domestic abuse were recorded by the police in Scotland, which has increased to 65,251 in 2020-21. However, it should be noted that before 2014-15, the data was recorded differently according to each legacy police force's standard. Furthermore, more than one crime or offence may be recorded as one incident, meaning the number of offences committed could be higher than the figures suggest.⁸

When observing the domestic abuse recorded crime bulletin from 2014-15 onwards, the number of domestic abuse incidents recorded by the police in Scotland has continued to rise from 58,104 in 2015-16 to 65,251 in 2020-21.⁹

This bulletin distinguishes between different levels of domestic abuse. While terms such as 'offence' and 'crime' are often used interchangeably [in the bulletin], here they are used to refer to less serious incidents ('offences') and more serious incidents ('crimes').

The bulletin also includes data on incidents where neither an offence nor crime was recorded but were still deemed to be cases of domestic abuse. Accordingly, the bulletin states:

"In 2020-21, 60% of domestic abuse incidents within the interim Vulnerable Persons Database (iVPD) did not include the recording of at least one crime or offence. This reflects the definition of domestic abuse used by Police Scotland, which is not restricted to behaviour where criminal conduct has been identified and recorded¹⁰." Looking at domestic abuse *charges* specifically, we can see that 2020-21 recorded the largest year-on-year rise in domestic abuse charges since comparable records began in 2013-14. 33,425 charges were recorded in 2020-21, a rise of 2,707 charges over the 30,718 charges recorded in 2019-20¹¹.

⁷ Scottish Government, *Domestic abuse: statistics recorded by the Police in Scotland – 2020/21*, 30 November 2021, [link](#).

⁸ Scottish Government, *Domestic abuse: statistics recorded by the Police in Scotland – 2020/21*, 30 November 2021, [link](#).

⁹ [Supporting documents - Domestic abuse: statistics recorded by the Police in Scotland - 2020/21 - gov.scot \(www.gov.scot\)](#)

¹⁰ Scottish Government, *Domestic abuse: statistics recorded by the Police in Scotland – 2020/21*, 30 November 2021, pg. 9, [link](#).

¹¹ COPFS, *Domestic Abuse and Stalking Charges*, 7 September 2021, Table 1, [link](#)

Table 10 of the domestic abuse statistics recorded by the Police in Scotland in 2020/21 provides data on incidents of domestic abuse where the accused had a history of previous abuse. This shows us that, of 65,251 domestic abuse incidents recorded in 2020-21, there were 35,373 incidents where the accused had a previous abuse-related offence¹² – over half of recorded incidents.

Both custodial and non-custodial sentences can be imposed on those convicted of domestic abuse. Of those convicted of a domestic abuse offence as created under the Domestic Abuse (Scotland) Act 2018, 19 per cent were given a custodial sentence in 2020-21, with 56 per cent receiving a community sentence, 13 per cent receiving a financial penalty, and the remaining 12 per cent receiving other punishments¹³.

Impact of Covid-19

The Scottish Government has published two reports relating to the impact of the Covid-19 pandemic on domestic abuse.

A publication in June 2020 considered research that had taken place over the first 8 weeks of the Covid-19 lockdown in March 2020¹⁴.

It found that, following an initial drop in domestic abuse referrals in the initial period of lockdown, referrals began to increase as lockdown progressed. A number of domestic abuse services believed that there would be a significant increase in referrals and reports of domestic abuse once lockdown was lifted¹⁵. The report also found that lockdown created specific challenges for BAME women and stated that these were related to 'legal applications and appeals, and separation from abusive partners'¹⁶.

A further publication from the Scottish Government in September 2020 looked at the period between 22 May 2020 and 11 August 2020¹⁷.

This report found that as Scotland began to move out of lockdown between May and August of 2020, referral rates varied across Scotland, and across different demographics.

¹² Scottish Government, *Domestic abuse: statistics recorded by the Police in Scotland – 2020/21*, 30 November 2021, Table 10, [link](#)

¹³ Scottish Government, *Criminal proceedings in Scotland, 2020-21*, 21 June 2022, Table 8b, [link](#)

¹⁴ Scottish Government, *Coronavirus (COVID-19): domestic abuse and other forms of violence against women and girls - 30/3/20-22/05/20*, 19 June 2020, [link](#)

¹⁵ [Coronavirus \(COVID-19\): domestic abuse and other forms of violence against women and girls during Phases 1, 2 and 3 of Scotland's route map \(22 May to 11 August 2020\) \(www.gov.scot\)](#), p. 11

¹⁶ Scottish Government, *Coronavirus (COVID-19): domestic abuse and other forms of violence against women and girls - 30/3/20-22/05/20*, 19 June 2020, pg. 8, [link](#).

¹⁷ Scottish Government, *Coronavirus (COVID-19): domestic abuse and other forms of violence against women and girls during Phases 1, 2 and 3 of Scotland's route map (22 May to 11 August 2020)*, 18 September 2020, [link](#).

Reportedly 10 per cent of domestic abuse organisations found that lockdown had led to an increase in the number of referrals for minority groups, including LGBT people, BAME people, and disabled people¹⁸.

In addition to this, Sikh Women’s Action Network reported that calls during lockdown were up by 244%. While this statistic is not specific to Scotland¹⁹, a Sikh Sanjog study found that victim support services do not currently meet the needs of Sikh women living in Scotland and that there is a significant lack of understanding and/or awareness of their culture in the police force and other justice services.²⁰

Current relevant legislation in Scotland

Domestic abuse is prosecuted under a range of different offences – many of which also cover behaviour which is not specific to domestic abuse, such as the common law offence of assault, or threatening or abusive behaviour under Section 38 of **the Criminal Justice and Licensing (Scotland) Act 2010**²¹.

In certain cases, a court may convict a person of a more general offence but determine that this offence was aggravated by other factors (thus becoming an ‘aggravated offence’). In 2016, the **Abusive Behaviour and Sexual Harm (Scotland) Act 2016** created a statutory domestic abuse aggravated offence²².

Section 1 of this Act states that an offence becomes aggravated where it is proved that ‘the person intends to cause the partner or ex-partner to suffer physical or psychological harm’.

In 2018, the **Domestic Abuse (Scotland) Act 2018** created a statutory offence that dealt specifically with domestic abuse²³. This was implemented with the intention of allowing domestic abuse to be prosecuted as such where it took the form of, for example, controlling, coercive or emotionally abusive behaviour. This offence works alongside other more general offences, such as common assault, in prosecuting domestic abuse, rather than replacing them entirely.²⁴

The 2018 Act also expanded the definition of what constitutes abusive behaviour, stating that this should be considered behaviour ‘that a reasonable person would

¹⁸ Scottish Government, *Coronavirus (COVID-19): domestic abuse and other forms of violence against women and girls during Phases 1, 2 and 3 of Scotland’s route map (22 May to 11 August 2020)*, 18 September 2020, [link](#).

¹⁹ [Calls to Sikh domestic abuse group more than double in pandemic - BBC News](#)

²⁰ [Layout 1 \(sikhsanjog.com\)](#)

²¹ *Criminal Justice and Licensing (Scotland) Act 2010*, Section 38, [link](#)

²² *Abusive Behaviour and Sexual Harm (Scotland) Act 2016*, Section 1, [link](#)

²³ *Domestic Abuse (Scotland) Act 2018*, Section 1, [link](#)

²⁴ *Domestic Abuse (Scotland) Act 2018*, Section 1, [link](#)

consider the course of behaviour to be likely to cause B to suffer physical or psychological harm'²⁵.

The 2018 Act also created a statutory aggravated offence for where domestic abuse includes behaviour which affects a child. The Act specifies that aggravation in relation to a child takes place when a child 'sees, hears, or is present during a domestic abuse incident'²⁶.

Another aspect of the 2018 Act was to impose a reporting requirement on Scottish Ministers, so that every 3 years a report is laid before the Scottish Parliament with specific information about proceedings, convictions and experiences under the Act.²⁷ Most recently, the **Domestic Abuse (Protection) (Scotland) Act 2021** introduced new forms of protection from domestic abuse, domestic abuse protection notices (DAPNs) and domestic abuse protection orders (DAPOs).

In October 2021, the Scottish Sentencing Council published a breakdown of the offences under which domestic abusers are prosecuted and convicted. In 2020-21, 33,425 charges with a domestic abuse identifier were reported to the Crown Office and Procurator Fiscal Service (COPFS), of which 83% contained a statutory aggravation under the Abusive Behaviour and Sexual Harm (Scotland) Act 2016. A further 5% of charges were reported under the Domestic Abuse (Scotland) Act 2018²⁸.

The Scottish Sentencing Council has also published (June 2022) a Literature Review covering 'The sentencing of offences involving domestic abuse in Scotland', looking at the development in domestic abuse sentencing following the introduction of the 2018 Act.²⁹ This was carried out as some of the preparatory work for the development of sentencing guidelines on Domestic Abuse.³⁰

Legislation in England and Wales

The Domestic Abuse Act 2021³¹ introduced a wider definition of domestic abuse; established a Domestic Abuse Commissioner; introduced domestic abuse protection notices and orders (under which a person must notify the police of changes of address); made provision regarding local authority support and protection for victims and witnesses in legal proceedings; and set out various offences involving abusive

²⁵ *Domestic Abuse (Scotland) Act 2018*, Section 1, [link](#)

²⁶ *Domestic Abuse (Scotland) Act 2018*, Section 5, [link](#)

²⁷ *Domestic Abuse (Scotland) Act 2019*, Section 14

²⁸ <https://www.scottishsentencingcouncil.org.uk/media/2165/20211028-judicial-perspectives-of-community-based-disposals-ssc-issues-paper.pdf>

²⁹ <https://www.scottishsentencingcouncil.org.uk/media/2231/20220624-domestic-abuse-final-report-as-published.pdf>

³⁰ <https://www.scottishsentencingcouncil.org.uk/news/news/council-publishes-report-on-sentencing-domestic-abuse-offences/>

³¹ *Domestic Abuse Act 2021* <https://www.legislation.gov.uk/ukpga/2021/17/contents>

or violent behaviour. The 2021 Act also included various other changes including a requirement for the Secretary of State to issue guidance to chief officers of police and the disclosure of police information for the purpose of preventing domestic abuse, to which the police must have regard.

A key difference between legislation in Scotland and England and Wales is that under the Domestic Abuse Act 2021 in England and Wales, domestic abuse protection orders place a requirement on the person subject to such an order to notify the police of any changes to their name and address (see sections 41 – 43).

Current policy initiatives in Scotland

As detailed in the foreword, my proposal includes a number of policies intended to prevent domestic abuse, including preventing individuals from offending, rehabilitating those who have offended, developing measures that act as a deterrent and also measures that protect victims of domestic abuse and those at risk of domestic abuse. These are detailed below:

- Introduction of a Register for those who commit domestic abuse and providing access to this information to support those at risk;
- Requiring rehabilitation measures to be mandatory for those who commit domestic abuse;
- Introduction of reporting requirements on the Scottish Government to improve the quality and availability of information on domestic abuse, including broken down by specific groups of people; and
- Making school education on domestic abuse and related issues mandatory.

Existing policies in each of the above areas are set out in turn below.

Disclosure Scheme for Domestic Abuse Scotland

In Scotland, provision already exists for those who fear that their partner, or the partner of someone they know, may have a violent or abusive past. This scheme enables the concerned person to request whether someone has a history of domestic abuse and if so, for that information to be disclosed to their partner. The scheme gives Police Scotland the power to disclose this information where they believe an individual may be at risk of abuse.³²³³

People can contact the police and provide them with personal details of the person at risk and the person they wish to obtain information about. The Police hold a multi-agency meeting with relevant partner agencies (such as Social Work Services, Prison Service, Domestic Abuse Advocates/Advisors) before a decision is made on

³² *Scottish Government*, 31 March 2021, [link](#).

³³ *Police Scotland, Disclosure Scheme for Domestic Abuse Scotland*, [link](#).

whether to provide details of previous convictions or other information relating to an individual.

The booklet outlining the scheme states that “A person’s previous convictions are treated as confidential and the information will only be disclosed if it is lawful and proportionate, and there is a pressing need to make the disclosure to prevent further crime.”

Under the Scheme the Police have the “power to tell” even when they have not been proactively approached by someone seeking information on their partner.

The booklet states “...you may receive a disclosure even if you have not asked for one. That is because, if the police receive information about your partner which they consider puts you at risk of harm of domestic abuse, then they may consider disclosing that information to you. The decision to disclose information when you have not asked for a disclosure will be made by the multi-agency meeting, and the disclosure will only be made if it is lawful and proportionate, and there is a pressing need to make the disclosure to prevent further crime”³⁴

This is of course very useful to those concerned that their partner might be abusive, but it does not require abusers to take proactive steps to notify the authorities about their behaviour and works on the basis of the victim knowing about the scheme, someone close to them making a request or a proactive disclosure by the police.

In addition to the Disclosure Scheme, Multi-Agency Public Protection Arrangements (MAPPA) are a set of statutory partnership working arrangements introduced in 2007 under Section 10 of the Management of Offenders etc. (Scotland) Act 2005. The arrangements allow agencies to work together to better manage Registered Sex Offenders³⁵.

These arrangements allow Police Scotland, the Scottish Prison Service, health boards and local authorities to share and store information about Registered Sex Offenders to allow these bodies to manage the risks these individuals pose.

I consider that, in isolation, the Disclosure Scheme is not sufficient, including as a preventative measure. I will set out later in this document how the introduction of a register of those convicted of domestic abuse could have standalone benefits and could combine with the existing powers in the Disclosure Scheme. This would ensure that offenders are aware of and comply with monitoring measures that would both deter them from re-offending and mean that information is readily available including to enable the Police to make more regular and effective interventions.

In a recent high-profile case, it was reported that Police Scotland had initially decided not to disclose information regarding her partner’s history to Louise Aitchison, who

³⁴ [Police Scotland pdf-making-an-application-about-your-partner-1.pdf \(scotland.police.uk\)](#)

³⁵ Scottish Government, *Multi-agency public protection arrangements (MAPPA) in Scotland*, 9 November 2018, [link](#).

was then murdered by her partner³⁶. I believe this and other incidents are a stark demonstration of the need to make existing monitoring systems far more robust.

Sex Offenders Register

In considering how a register for those who are convicted of crimes involving domestic abuse would work in practice, it is worthwhile considering the equivalent model of the Sex Offender Register and the approach taken under that model, specifically in relation to the notification requirements.

The Sexual Offences Act 2003 currently requires that those convicted of a sexual offence will be subject to certain notification requirements. The police use the 'Violent and Sex Offender Register (ViSOR), a UK wide database, to record details of Registered Sex Offenders.³⁷ In Scotland, the notification requirements apply to anyone convicted of an offence listed in Schedule 3 of the 2003 Act and any other offence where the court determines that there was a significant sexual aspect to the offender's behaviour in committing the offence.³⁸

As noted above, those placed upon this register are subject to 'notification requirements' listed within the Sexual Offences Act 2003³⁹. These requirements include⁴⁰:

- Notifying the police of their full name, address, date of birth, passport details, credit card and bank account details, and National Insurance number.
- Notifying the Police within three days if any of these details change. All these details must be re-confirmed with the Police at least annually.
- Notifying the Police within three days if they spend 7 days or more at an address not already declared to the Police.
- Notifying the Police of any foreign travel at least 7 days before departure.

Failing to comply with these notification requirements is a criminal offence punishable with up to five years imprisonment.

Depending on the severity of the original offence, offenders may remain on the register indefinitely, for a specified number of years, or where someone is given a community payback order, for the period of the supervision requirement.

The primary functions of the notification requirements are to ensure that Police Scotland and other organisations and individuals can manage the risk posed by a convicted sex offender and can reduce the opportunities for reoffending. In the first

³⁶ *Daily Record*, 1 March 2022, [link](#).

³⁷ *Police Scotland*, [link](#).

³⁸ Sexual Offences Act 2003, paragraph 60 to Schedule 3

³⁹ Legislation.gov, *Sexual Offences Act 2003*, [link](#).

⁴⁰ <https://www.scotland.police.uk/about-us/what-we-do/specialist-crime-division/sex-offender-policing-units/policing-of-registered-sex-offenders/>

instance, the requirements to notify Police Scotland of changes in address and periods spent away from that address ensure that a registered individual can be properly monitored by the police⁴¹.

The information placed on the Register can be shared on a confidential basis with organisations and individuals who come into contact with an individual on the register, to help them to reduce the level of risk that they face. These can include landlords, employers and hospital staff. There is not a general obligation to disclose information to the public and the assessment is made by Police Scotland of the risk posed by the individual⁴².

Sentencing

When a person is convicted of a crime, they will then be sentenced by a judge. The sentence will depend on what the law says (i.e., where the law sets out minimum and maximum sentences for particular offences) and the facts and circumstances of each case. Some sentences, or disposals as they are known, are community based. For example, community payback orders can be given as an alternative to a custodial sentence and can include a wide range of requirements, such as attending programmes or receiving treatments. In Scotland, programmes aimed at the rehabilitation of offenders are accredited by the Scottish Advisory Panel on Offender Rehabilitation.⁴³

The Caledonian System

The Caledonian System is a behaviour programme for men convicted of domestic abuse offences, as well as a support service for their partners and children⁴⁴. The Caledonian System is currently available in 19 local authority areas, and it is the Scottish Government's intention that it will be implemented across all local authorities by the end of this Parliamentary term⁴⁵.

The system includes a 'Men's Programme', to which men can be referred as part of the supervision requirements of a community payback order. It can also be a supervision requirement when a person convicted of a domestic abuse related crime has been released from prison if they have been assessed as being 'suitable candidates in terms of risk and readiness to change'. The programme lasts for at least two years and includes one to one assessment, and engagement and motivation sessions⁴⁶.

⁴¹ [Policing of Registered Sex Offenders - Police Scotland](#).

⁴² [Policing of Registered Sex Offenders - Police Scotland](#).

⁴³ <https://www.gov.scot/groups/scottish-advisory-panel-on-offender-rehabilitation-sapor/>

⁴⁴ Scottish Government, *Violence against women and girls*, [link](#).

⁴⁵ [Written question and answer: S6W-07676 | Scottish Parliament Website](#)

⁴⁶ Scottish Government, *Caledonian System Evaluation*, 4 November 2016, [link](#).

The Caledonian system was developed in 2004 and the Men’s Programme became the first offender-rehabilitation programme to be accredited by the Scottish Accreditation Panel for Offender Programmes in August 2009⁴⁷.

A 2016 review of the scheme found that male participants reported an “improved understanding of the nature of abuse’, and that the scheme had ‘equipped them with techniques to better control their behaviour”⁴⁸.

Although there are clearly upsides to the current system, it is not underpinned in law and there is therefore no legal requirement for the Caledonian System to be made available. Indeed, at present it does not exist in large areas of Scotland.

In addition, the Caledonian System is only targeted at those who are assessed as being ‘moderate’ or ‘high risk’ of carrying out domestic abuse in the future, rather than being available for everyone who receives a domestic abuse-related conviction.

I want to explore the potential of requiring rehabilitation measures (as part of a package of wider rehabilitation measures), to be undertaken by a larger cohort of offenders, not just those who are at moderate or high risk of reoffending. The measures would target both those who use physical and psychological forms of abuse.

The Caledonian System also lacks a long-term mechanism to try and monitor an offender’s progress and behaviour.

Reports under the Domestic Abuse (Scotland) Act 2018

As noted above, section 14 of the Domestic Abuse (Scotland) Act 2018 imposes a reporting requirement on Scottish Ministers, so that every 3 years a report is laid before the Scottish Parliament with specific information about proceedings, convictions and harassment orders for offences under section 1 of the Act and section 1 of the Abusive Behaviour and Sexual Harm (S) Act 2016. In addition to quantitative information in terms of statistics the report must also include information about the experience of witnesses (including witnesses who are children) at court.

Scottish Government’s Equally Safe Strategy

‘Equally Safe’ is the Scottish Government’s strategy to tackle gender-based violence. The latest iteration was published in April 2018, and ‘developed by the Scottish Government and COSLA in association with a wide range of partners from public and third sector organisations.’ It aims to “eliminate the systemic gender inequality that lies at the root of violence against women and girls’ through a ‘relentless focus on prevention”⁴⁹.

⁴⁷ Scottish Government, *Caledonian System Evaluation*, 4 November 2016, [link](#).

⁴⁸ Scottish Government, *Caledonian System Evaluation*, 4 November 2016, [link](#).

⁴⁹ Scottish Government, *Equally Safe*, 25 April 2018, Foreword, [link](#).

The strategy lists a range of priorities and objectives, including early and effective interventions to prevent violence, a robust and effective response to perpetrators, promoting positive gender roles and relationships, and effective, integrated services for those affected by violence⁵⁰.

In 2017, the Scottish Government published a 'delivery plan' of Equally Safe for 2017-21. The measures include teaching children about consent and healthy relationships, funding Rape Crisis Scotland's sexual violence prevention programme, and developing an accreditation scheme for employers⁵¹.

Whilst the focus behind this strategy is welcome, there is no means to establish the extent to which this teaching is taking place in schools across Scotland. There is no requirement in the curriculum for these lessons to take place. There is no data I am aware of collated on the number of young people receiving these lessons and the number who are not.

In addition, while the focus of this teaching would doubtless contribute to an understanding of relevant issues such as consent and healthy relationships, I do not consider that there is currently a sufficient focus on understanding domestic abuse, for example including how to come forward should you be experiencing it or recognising certain signs in others who may be experiencing it.

In addition to the contribution to a long-term cultural shift that this teaching would make, I consider it could also be valuable in supporting and informing young people who may be considering telling someone in their school about domestic abuse. In 2021 there were 522 [reported] incidents of domestic abuse against victims under the age of 16, and the actual number of incidents will be higher still.⁵²

International Experience

When discussing the elimination of domestic violence and abuse, it is difficult to discern international best practice given that in many countries, statistics can be deceiving given that the proportion of victims are women and often the likelihood of women reporting this crime, or of it being recorded are dependent upon many factors such as whether the political climate is progressive, and women knowing what their rights are.

Similarly, it is difficult to determine whether higher statistics, for example in Nordic countries, are in part a result of women having higher levels of education and

⁵⁰ Scottish Government, *Equally Safe*, 25 April 2018, Introduction, [link](#).

⁵¹ Scottish Government, *Tackling violence against women and girls*, 24 November 2017, [link](#).

⁵² Scottish Government, *Domestic abuse: statistics recorded by the Police in Scotland – 2020/21*, 30 November 2021, [link](#).

income, than their partners, therefore, leading to increased levels of violence due to a partners' feelings of inadequacy and frustration.⁵³

Denmark, a country which ranks 2nd on the 2021 Gender Equality Index⁵⁴, but ranks high for gender-based violence has pushed forward with new measures to tackle gender-based violence.

As part of the national reserve for social, health and labour market measures for 2021-2024, Denmark allocated DKK 24.3 million in the period 2021- 2024 to the initiative "Early intervention for victims of violence and perpetrators of partner violence"⁵⁵.

The first part is an intervention model that seeks to provide an early preventive contribution against violence in close relations. The model adopts a collaboration between the police, the municipality and a Non-governmental Organisation (NGO). When the police respond to an incident of domestic disturbance or violence, they will try to encourage the persons involved to start an ambulatory treatment at the NGO in collaboration with the municipality⁵⁶. Such a measure can be particularly useful in dealing with instances whereby no formal incident has been recorded or the perpetrator is not charged.

Funds have also been used to develop and maintain web portals with educational materials for primary and lower secondary school and post-compulsory education (including the annual campaign 'Week Sex'), aimed at children and teenagers in primary and lower secondary school. Free educational material is offered to support teachers, school pedagogues and school nurses in organizing and implementing contemporary and age-appropriate health and sexual education. Teachers can subsequently reuse the educational material across the country. Material for parents in five languages and for parent-teacher cooperation is available as well⁵⁷ This proposed Bill explores the option of mandatory education on domestic violence and abuse for school-aged children.

Another central facet to educating the population in Denmark is delivered by funding set aside for the National Board of Social Services to offer training to public employees, who are then taught to use tools to make a risk-assessment of citizens' risk of being

⁵³ [Violence Against Women in Northern Europe | OZY](#)

⁵⁴ [Compare countries | Index | Bar chart | 2021 | Gender Equality Index | European Institute for Gender Equality \(europa.eu\)](#)

⁵⁵ [*1680a30d80 \(coe.int\)](#)

⁵⁶ [*1680a30d80 \(coe.int\)](#)

⁵⁷ [*1680a30d80 \(coe.int\)](#)

exposed to and committing violence. This includes the teaching of midwives to screen for domestic violence.

A method for family therapy was developed and tested in 2019-20 in Denmark, as part of the early prevention of honour-based violence and abuse on youths. The aim of the study was to gain survivor/perpetrator insight in honour-based abuse and violence cases. The data used includes statistics on residents, their parents e.g., sex, country of origin, age, etc. and semi-structured interviews, conducted with professionals affiliated to the shelter. All educational programmes provided by the agency include evaluation. The data compiled by the evaluation is actively applied for further improvement of the programs⁵⁸

As will be made clear throughout this consultation document, Scotland currently lacks intersectional data on victims and perpetrators of domestic abuse. I believe that without knowing the where, when, and who – it will remain an endemic problem.

Detail of the Proposed Bill

The Bill proposal will seek to implement four distinct provisions:

- Introduction of a Register for those who commit domestic abuse and providing access to this information to support those at risk;
- Requiring rehabilitation measures to be mandatory for those who commit domestic abuse;
- Introduction of reporting requirements on the Scottish Government to improve the quality and availability of information on domestic abuse, including broken down by specific groups of people; and
- Making school education on domestic abuse and related issues mandatory.

1. The introduction of a Domestic Abuse Register

The first provision of my proposed Bill would be to create an obligation on the Police to monitor and manage those with a domestic abuse conviction. This would include mirroring the arrangements in the Sexual Offences Act 2003 for those who have committed sexual offences, including placing notification requirements on offenders. The scope of these arrangements would apply to abuse offences created through the 2018 Domestic Abuse Act, the Domestic Abuse (Protection) (Scotland) Act 2021 or other offences which include a domestic abuse aggravation. I believe that this would result in the creation of a Domestic Abuse Register by the Police to fulfil these obligations in the same way that the Sexual Offences Act led to the creation of the Sex Offenders Register.

⁵⁸ [*1680a30d80 \(coe.int\)](#)

I would also envisage the process of determining how long an individual may require to be on the register could be judge led with a range of options available to judges based on the severity of the incident.

The risk an individual poses to potential victims is also a key factor in how long they should remain on the proposed register. It is therefore likely that individual risk assessments will also play an important role in determining how long a perpetrator must remain on the register.

‘Clare’s Law’, was the campaign that led to the establishment of the Disclosure Scheme in Scotland⁵⁹. As set out previously, individuals are able to request the disclosure of information on their partner (or the partner of someone they know) if they believe that they are at risk of domestic abuse. The Police also have the ‘power to tell’ without a specific request (also set out above). However, this is currently delivered through policing guidance rather than on a statutory footing. In England and Wales, under the Domestic Abuse Act 2021, the police must have regard to the guidance issued by the Secretary of State on disclosure of police information for the purposes of preventing domestic abuse. It is my intention to enshrine the legal right to request the disclosure of a partner’s domestic abuse history through this Bill proposal.

The creation of a register in law will put legal obligations on public bodies to manage and minimise the risk of reoffending by a domestic abuse offender. This will include public bodies having an obligation to proactively inform individuals that a person they have entered into a relationship with has a history of domestic abuse.

It is also the case that putting a right to request disclosure into law and linking it to the register will set out very clearly the defined period for which a person is considered a risk and where there is an obligation on the police to disclose information to a member of the public. This will ensure transparency and proportionality in the decision-making process that leads to the disclosure of information on an individual’s domestic abuse history to their partner. For example, the Domestic Abuse Register could apply to all those who receive a custodial sentence where the sentence is at least in part as a result of a crime involving domestic abuse. Recognising that inclusion on a Register/ related reporting requirement would have a significant impact on the offender, I welcome thoughts on the scope of the offences/ criteria to be subject to this requirement.

As with the Sex Offenders Register, I believe the length of time someone remains on this register should be proportionate and reflect the severity of their conviction, however I would envisage an indefinite placement on the register for those committing serious offences, those receiving long custodial sentences and/or those at high risk of reoffending. I would also envisage the process of determining how

⁵⁹ *Scottish Government*, 31 March 2021, [link](#).

long an individual may require to be on the register could be judge led with a range of options available to judges based on the severity of the incident.

Those placed on this register would be subject to reporting requirements which would have the same aim as reporting requirements required of registered sex offenders. In other words, the purpose of the requirements would be the same as the purpose of the requirements on the Sex Offender Register – to manage the risk posed by a convicted offender and reduce the opportunities for reoffending.

I would welcome respondents' views on what reporting/ notification requirements the Domestic Abuse Register should require of those placed on it. To inform responses, the types of information that could potentially be requirements on the register could include:

- Notifying of full name, address, date of birth, passport details, credit card and bank account details, and National Insurance number.
- Notifying of any changes in these details within a set period of time.
- Notifying of a new relationship with a new partner;
- Notifying of being in or entering into a relationship with a previous partner;
- Notifying of forms of commitment to a new partner such as opening a joint bank account, signing a lease on a property, buying a property.

Part of the basis for the requirements above, is to seek to ensure that aliases cannot be readily used by individuals actively seeking to avoid being monitored. These requirements are also based on requirements set out in a proposed Register being taken forward by the UK Government.

Organisations that I have spoken with prior to drafting the consultation purported, that in light of the findings of the Mirabal report we should be seeking out mechanisms that require perpetrators to relinquish control, that is why I believe the Domestic Abuse Register could be an effective mechanism in limiting the free reign perpetrators have to attempt to control victims and / or potential victims. In addition to this, it attaches a stigma to the crime, changing how it is viewed in the public eye. This could be extremely important in changing how those convicted of psychological abuse are viewed by the public.

On 30 March 2022, the UK Government announced a new Tackling Domestic Abuse plan which will include exploring the option of creating a new register for domestic abusers which could require perpetrators to take actions such as reporting to the police when changing address or opening a bank account with a new partner.⁶⁰ This is a model that I will monitor closely as it is further developed as elements of this could be replicated within my members bill.

⁶⁰ UK Government, [link](#)

I believe that, whatever the final list of notification requirements consists of, it must provide as much information as possible to the Police, including to enable them to use their 'power to tell' under the Disclosure Scheme to a far greater degree than at present.

I propose that all those on the Register would be included in the MAPPA arrangements outlined above. Multi-Agency Public Protection Arrangements (MAPPA) are a set of statutory partnership working arrangements introduced in 2007 under Section 10 of the Management of Offenders etc. (Scotland) Act 2005, which allow agencies to work together to better manage Registered Sex Offenders. This would mean that a number of different public bodies would be able to make use of information stored on the new Register I want to introduce. This will include Police Scotland, the Scottish Prison Service, health boards and local authorities.

It would be appropriate for these organisations to have access to this data because, collectively they are responsible for public safety, housing, education and of course the mental and physical welfare of victims and the public at large. By giving them access to this information, that is how they can best protect potential victims. Currently, the Caledonian System lacks a long-term mechanism to try and monitor an offender's progress and behaviour.

I believe my proposal can help with this because it would place notification requirements on domestic abusers which better allows authorities to keep track of an offender over a longer period of time.

I would welcome views on the circumstances in which you consider an individual should be informed by a public body that they are at risk – for example should anyone entering into a new relationship with anyone on the domestic abuse register automatically be told?

In a similar vein to the considerations on the disclosure of information under the Disclosure Scheme, the approach taken by the new register would need to be proportionate and lawful.

In summary, your views would be welcome on:

- a) what the criteria should be for someone being put on the register;**
- b) what the criteria should be for remaining on the register, and for how long;**
- c) what the notification requirements should be of anyone on the register, including what information they should be required to provide initially, and what information they should be required to update where necessary;**
- d) which public bodies should have access to the information on the register and for what purposes;**
- e) when a public body such as the Police should share this information with others such as a new partner; and**

f) in what circumstances should a new partner or certain other individuals have the right to receive details of the convictions and other relevant information about an individual on the register.

2. The introduction of mandatory rehabilitation measures

The second provision of my proposed Bill would be to introduce a legal requirement for mandatory, court ordered rehabilitation measures for those convicted of domestic abuse. These measures would include behaviour educational, anger management treatment, and, where both parties agree, restorative justice measures. The intention of this would be to reduce reoffending among those convicted of domestic abuse, which is essential given that around half of all recorded cases of domestic abuse are committed by reoffenders.

This would increase the use of restorative justice, in domestic abuse cases so that the offender can understand the damage their actions have caused. Given the sensitivity of bringing together abusers with those they have abused, this would have to be only at the agreement of both parties. Restorative justice is a concept that allows the offender to speak directly to the victim, should they both wish, so that they can attempt to address the hurt caused to the victim by the perpetrator.

In relation to anger management, a 2012 study looking at the effectiveness of court-mandated anger management treatment in the USA stated: ‘Particularly for issues of domestic violence and child abuse, the criminal justice system sometimes mandates individuals to attend anger management treatment, often to avoid allocating stiffer repercussions, such as incarceration.’ The study also stated: ‘Results indicated that providers perceived that anger management treatment has a high level of effectiveness’^{61 62}

Throughout initial stakeholder engagement, several organisations have stated that while anger management would be an effective potential measure against perpetrators who manifest their abuse through sudden physical outbursts, it would not be as effective against perpetrators who abuse someone through more long-term coercive control.

I therefore do not believe that the two potential measures outlined above are exhaustive of the action we could take, and I welcome respondents’ views on any other rehabilitation measures they feel would be appropriate to introduce as sentencing requirements.

The intention at this stage would be for anyone who receives a domestic abuse related conviction to receive court-ordered mandatory rehabilitation measures, for

⁶¹ Old Dominion University, *The effectiveness of Anger Management Programs with Court Mandated Clients*, 2012, [link](#).

⁶² Ibid, pg.ii.

example as soon as they have completed any custodial sentence they have received, those subject to non-custodial sentences like a community payback order or these measures might also apply to those who receive an alternative to prosecution in relation to an offence involving domestic abuse, but who do not receive a formal conviction (for example an accused may currently be given a diversion from prosecution and referred to support treatment for the offending behaviour).⁶³

The aim would be to help eradicate any potentially violent behaviour before it is allowed to escalate into more serious incidents of domestic abuse. I therefore welcome respondents' views on who these rehabilitation measures should or should not apply to.

Related to this there may be instances where those convicted are not appropriate candidates for these measures. For example, someone may have a condition that means their level of understanding of their actions is lessened and rehabilitation in these circumstances would need to be carefully tailored. In addition, it may be that certain individuals would not be deemed eligible for inclusion on the new Register and I welcome comments on potential exemptions to rehabilitation measures and exemptions to inclusion on the register.

It would be intended that rehabilitation measures be mandatory for all those convicted under the Domestic Abuse (Scotland) Act 2018, Domestic Abuse (Protection) (Scotland) Act 2021 and any offence where a domestic abuse aggravator has been recorded, but I would welcome views on whether judges should have the discretion to not mandate these measures in certain exceptional circumstances, or whether the role of the judge should be in determining the details of the rehabilitation measures, such as the type or duration of the measures and whether they should take place whilst in custody.

In relation to the scope for early intervention, as noted earlier, in Denmark, when the police respond to an incident of domestic disturbance or violence, they will try to encourage the persons involved to start an ambulatory treatment at the NGO in collaboration with the municipality^[4]. Such a measure could be particularly useful as an early intervention.

As set out earlier in the document, the Caledonian System has no legal underpinning, it does not necessarily apply to all those I consider could be eligible for rehabilitation and is not yet available in large areas of Scotland. This measure would therefore build on the approach of the Caledonian System, by ensuring that no perpetrator of domestic abuse is able to avoid some form of rehabilitation. I would welcome respondents' views on the extent to which the Caledonian Programme could be involved in providing the type of mandatory rehabilitation measures that this Bill proposes.

⁶³ See *Alternatives to Prosecution* <https://www.copfs.gov.uk/the-justice-process/scotland-s-criminal-justice-system/>

Delivery – possible approaches

While I do not necessarily envisage that my proposed bill would prescribe the specifics of how the rehabilitation measures would be practically delivered on the ground, as context for considering my proposal, some possible approaches to delivery are set out below.

Practically speaking, anger management services are currently delivered by a variety of sources. This approach to rehabilitation could therefore make use of existing services in each area of the country. There are a number of different local anger management services across Scotland and courts could mandate offenders go to these when required, subject to appropriate accreditation⁶⁴.

While several NHS boards across Scotland already offer various forms of anger management therapy which could be tailored to fit the specification of mandatory anger management treatment (such as classes) as envisaged in this proposal for a Bill. There are a number of independent services registered with the British Association for Counselling and Psychotherapy⁶⁵ which could also be utilised. As with the current Men's Programme, it could be up to Sheriffs as to whether this type of intervention was necessary.

It is expected that if someone were to be sentenced to a programme of anger management classes or other rehabilitation measure, the costs for these classes would fall on the offender in the same way drivers are expected to pay for a Speed Awareness Course if caught speeding by various Police forces in England and Wales⁶⁶.

In summary, I would welcome your views on this proposal including:

- a) What the rehabilitation measures could consist of;**
- b) Who could be required to complete rehabilitation measures (including whether these measures could be used as a means of early intervention in some circumstances);**
- c) The mechanism for these measures to be allocated;**
- d) Exemptions where individuals could be considered ineligible;**
- e) The extent to which this could be an alternative to a custodial sentence;**
- f) When the measures should be completed by someone completing a custodial sentence;**
- g) How these measures should be delivered in practice; and**
- h) Whether the offender should pay for these measures themselves.**

⁶⁴ *NHS Inform*, [link](#).

⁶⁵ *BACP*, [link](#)

⁶⁶ *Car Buyer*, 19 May 2022, [link](#).

3.Obligation for annual reporting on access to domestic abuse services for persons from underrepresented communities.

The third provision of this proposal for a Bill is to introduce an obligation on the Government to produce an annual report in which it sets out the actions it is taking to improve access to domestic abuse services for individuals from underrepresented communities.

A wider issue that has become clear throughout my initial stakeholder engagement has been that the measures in place to tackle domestic abuse do not work equally well for all demographics in Scotland. For example, within certain BAME communities, there are significant cultural barriers preventing victims from accessing domestic abuse services, or from reporting domestic abuse incidents. These can range from simple practical issues such as not understanding how the system works, or even something as simple as a language barrier, to more complex cultural issues such as the shame of being seen to access domestic abuse services.

In addition to this, another concern repeatedly encountered through stakeholder engagement is the lack of data concerning the characteristics of victims of domestic abuse, with there being little intersectional data available concerning the prevalence of domestic abuse.

A UK-wide study, 'Project Mirabal' is a programme of research, combining a multi-site longitudinal study of the impacts of perpetrator programmes. Whereby, while there are some reported moderate success in changing levels of physically violent behaviour, it is more challenging to change more every-day diminishments that has been documented as part of coercive control.⁶⁷

There is currently no Scottish Government data available on domestic abuse that takes into account abuse suffered by specific groups of individuals such as disabled individuals or ethnic minorities, which in turn makes it difficult to distribute financial resources effectively and sufficiently.

For example, the Scottish Crime and Justice Survey 2019/20: main findings (Chapter 9.3) that was published by the Scottish Government in March 2021, includes data on partner abuse broken down by factors such as age, gender, and area deprivation⁶⁸. Similarly, the annual publication Domestic Abuse: statistics recorded by the Police in Scotland (Scottish Government) provide information broken down by age, gender, and location⁶⁹.

⁶⁷ [120500 DU Briefing Notes.indd \(ignition-learn.co.uk\)](#)

⁶⁸ [9.3 Partner Abuse - Scottish Crime and Justice Survey 2019/20: main findings - gov.scot \(www.gov.scot\)](#)

⁶⁹ [Domestic abuse in Scotland statistics - gov.scot \(www.gov.scot\)](#)

The Social Justice and Social Security Committee held an evidence session on domestic violence and violence against women and girls on 3 March 2022. The SPICe paper prepared for the committee refers to some of the written submissions which report a lack of information on disability and ethnicity regarding domestic abuse⁷⁰. It also refers to some surveys carried out, of which perhaps the most extensive was that undertaken by ONS on Disability and Crime (2019)⁷¹. While the focus was on England and Wales, it reported that disabled women were twice as likely to have experienced domestic abuse than non-disabled women. The lack of national data on disability and ethnicity was also referred to in the oral evidence session⁷².

There are notable programs, such as MARAC and the DESC – and the information I am suggesting should be provided by annual reporting could prove useful for their services. “Multi-Agency Risk Assessment Conferences (MARACs) are regular, local meetings where information about domestic abuse victims at risk of the most serious levels of harm (including murder) is shared between representatives from a range of local agencies to inform a coordinated action plan to increase the safety of the victim and their children.

The victim does not attend the meeting but is represented by an Independent Domestic Abuse Advocate (IDAA), who supports victims (through risk assessment, safety planning and institutional advocacy) and makes sure their views are heard, that agencies are held to account and that victims are kept informed after the meeting.”⁷³

While the main aims of MARACs are to safeguard the victim and their children, and to make links with other public protection arrangements in relation to children, perpetrators, victims, and vulnerable adults – commissioners need to be able to measure the effectiveness of the service being delivered to victims⁷⁴. By placing a legal reporting requirement on perpetrators through the Domestic Abuse Offenders Register, we could improve information available to partner services.

Additionally, referrals to SafeLives are identified using the Dash risk measurement tool. However, where cases have been overlooked or missed, the Domestic Abuse Register would put the onus on the perpetrator to declare their status – therefore, risk measurements used by MARAC and Police Scotland could benefit from notifications from the perpetrator.

Moreover, the mandatory annual reporting duty by the Scottish Government could help programmes such as MARAC to evaluate its services and adjust accordingly.

⁷⁰ [2558 \(parliament.scot\)](#)

⁷¹ [Disability and crime, UK - Office for National Statistics \(ons.gov.uk\)](#)

⁷² [Meeting of the Parliament: SJSS/03/03/2022 | Scottish Parliament Website](#)

⁷³ [Whole Lives Improving the response to domestic abuse in Scotland.pdf \(safelives.org.uk\)](#)

⁷⁴ [Whole Lives Improving the response to domestic abuse in Scotland.pdf \(safelives.org.uk\)](#)

The Whole Lives Improving report states that⁷⁵:

“Commissioners need to design arrangements around measurable outcomes, outputs, and impact all of which need a comprehensive data set from local services and a robust cumulative picture at the national level”⁷⁶. It also says:

“Commissioners should ensure they are funding services to support hidden victims for example older, disabled, LGBT and BME victims... Ensuring commissioners support Idaa services to provide intensive support and multiple interventions, rather than short-term less intensive services is key to achieving better outcomes for victims.”

The Digital Evidence Sharing Capability is a welcome development that provides each criminal justice partner with a secure shared platform to store and access digital evidence before the beginning of a trial.⁷⁷ However, although I believe that it may have an impact in avoiding re-traumatising victims, I am proposing the collection of data that can be used proactively, to identify trends to reach individuals in communities. In addition to this, the services that often provide support to domestic abuse victims do not have access to data shared under DESC and could benefit from mandatory reporting by the Scottish Government.

Another issue that I repeatedly encountered through stakeholder engagement is the lack of data concerning the characteristics of victims of domestic abuse, with there being little data available concerning the prevalence of domestic abuse across different demographics, which in turn makes it difficult to know exactly where financial resources would be best distributed.

While the Digital Evidence Sharing Capability is a welcome development that aims to change the way that evidence is handled and used within the criminal justice system, I believe there remains a lack of focus on how data can be used proactively as opposed to reactively.

In addition, key barriers to MARAC are partners not bringing the appropriate information to MARAC and MARAC could be better streamlined using better evaluation. Therefore, by placing a legal reporting requirement on perpetrators, I believe that we can effectively improve the information available. Moreover, the mandatory reporting duty would ensure the detailed collection of information, allowing MARAC and other appropriate services to access this information and evaluate accordingly.

I have also repeatedly heard concerns about the difficulties that specialist organisations, who frequently work within the BAME community, face in sharing or receiving data from separate organisations, which often impedes an organisation’s ability to provide specialist support. However, the annual reporting duty would mean

⁷⁵ [Whole Lives Improving the response to domestic abuse in Scotland.pdf \(safelives.org.uk\)](#)

⁷⁶ [Whole Lives Improving the response to domestic abuse in Scotland.pdf \(safelives.org.uk\)](#) p.30

⁷⁷ [Transforming evidence sharing - gov.scot \(www.gov.scot\)](#)

that this information would be accessible to third-sector organisations, and services could be planned accordingly.

It has been clear from this engagement that current practices around data collection, concerning both victims and perpetrators of domestic violence, need improving to ensure that domestic violence and abuse policy can be shaped effectively around outstanding demographic trends.

Stakeholder engagement has also found that people with disabilities, such as those with learning difficulties or those with hearing loss, generally struggle to access domestic abuse services. For example, cases of domestic abuse involving either a deaf victim or perpetrator can be held up due to having to secure an interpreter for each stage of proceedings, leading to lengthy timescales from an offence being reported to an abuser being convicted.

Similarly, with cases involving someone with learning difficulties, the process of reporting domestic abuse, or even seeking advice on this issue, can be confusing to the extent that these services can seem inaccessible to these demographics. In addition to this, a current weakness of the MARAC and the Caledonian System is evaluation and long-term data collection, respectively. I heard from organisations, prior to developing the consultation, that for data to be useful and effective in understanding the outcomes of rehabilitation measures it is necessary to look at long-term reporting in relation to whether the victim feels safe and whether the perpetrator has changed. It was suggested that anything less than 5 years of follow-up reporting would be insufficient. I would therefore welcome respondents' views on this mechanism.

The wider issue that the aforementioned concerns highlight is that a one-size-fits-all approach simply does not work when different demographics have different needs. This section of the Bill proposal would therefore be intended to help target and tailor the support services available to victims and incentivise the Government to work to improve access to these services for these demographics.

To ensure that the Government is incentivised to take action to improve access to domestic abuse services for underrepresented communities, I am proposing that Ministers be placed under a legal obligation to publish an annual 'access to domestic abuse services for persons from underrepresented communities report,' accompanied by a statement to Parliament. This report and statement would set out the action that the Government has taken over the past year to improve the delivery of domestic abuse services for underrepresented groups, such as BAME communities and individuals with disabilities. It would also provide comparison data on the extent of domestic abuse in underrepresented communities against the population as a whole.

I believe that this information would be invaluable in supporting victims in these communities to come forward and report incidents of domestic abuse, with as

much confidence as the general population. The availability of this information would also be beneficial in enabling the Scottish Government, Police Scotland, and other relevant organisations to tailor their resources to better tackle domestic abuse and support victims in underrepresented communities.

In summary, I would welcome your views on this part of the proposal, including:

- a) Whether annual reporting would provide a regular enough, or too frequent, an update on incidences of domestic abuse, access to domestic abuse services, and improvements to access; and**
- b) What information the report should specifically include.**

4. Mandatory school education relating to domestic abuse

Another theme prevalent across much of the initial stakeholder engagement I have carried out is the need for a wider cultural shift on the issue of domestic abuse – one that places an emphasis on condemning this horrific crime, but also on addressing its root causes.

The rehabilitation measures this Bill proposal would seek to introduce have been set out above. However, I am also seeking respondents' views on how this proposal may improve education concerning domestic abuse.

For example, the UK Government's recently announced Tackling Domestic Abuse Plan includes the introduction of the 'Enough' campaign, which will encourage the public to call out and challenge domestic abuse wherever they encounter it⁷⁸. The plan also includes detail on the importance of educating younger age groups as an early preventative measure to ensure, and stresses the role that the school curriculum will play in this:

“The...curriculum will play a key part in improving children's education to ensure they understand healthy relationships...Pupils need to be taught about the concepts and laws relating to a range of areas including consent, coercion, and domestic abuse. Boys and young men should understand what is not acceptable within relationships and girls and young women need to know what not to accept⁷⁹”

It is clear that education is a key tool in ensuring a cultural shift on this issue takes place. While in Scotland the Curriculum for Excellence already provides schools with the flexibility to teach pupils about the effects of domestic violence if they choose to do so, this proposal for a Bill would seek to ensure that lessons are focusing specifically on domestic abuse and are included in every child's school education. Not one participant in a YWCA Scotland report described having felt well supported to learn about relationships at school. Some participants referenced one-off lessons about consent, but further stated this was not in-depth. Others spoke of domestic

⁷⁸ UK Government, *Tackling Domestic Abuse Plan*, 31 March 2022, [link](#).

⁷⁹ UK Government, *Tackling Domestic Abuse Plan*, 31 March 2022, [link](#).

violence and abuse but felt that more could have been taught about emotional abuse and/or toxic behaviours, saying this would have helped them to recognise signs in their own relationships or their friends.⁸⁰

In July 2022, Women’s Aid and the Young Women’s Movement Scotland published “The RISE Report;⁸¹ Supporting young women facing abuse in their intimate relationships”, the report recommended that “Education about domestic abuse and unhealthy relationships should be part of the national curriculum or should be brought into all schools and education settings by external expert organisations, ...”.

There are numerous other educational programs on domestic abuse out with Equally Safe. I have heard from several stakeholders, that while this is great, it lacks uniformity and is not legislated for. That is why this Bill proposal seeks to make lessons mandatory and deliver a clear message across Scotland.

In summary, I would welcome your views on this part of the proposal, including:

- a) The amount of teaching time required;**
- b) The content of education on domestic abuse;**
- c) Who should deliver education on domestic abuse (schools themselves or external experts);**
- d) Which schools should deliver education on domestic abuse (e.g. local authority run schools or independent schools etc); and**
- e) What is the most appropriate age range for young people to begin receiving education on domestic abuse.**

Financial implications

There will be set up costs in creating the Domestic Abuse Register, and then there will be ongoing costs of maintaining and administering it. Additional responsibilities on public bodies which require to take additional proactive action based on the information provided within the new Register will also have an associated cost and I welcome views on the level of cost in response to this consultation.

In the pre-consultation stakeholder engagement, a number of stakeholders felt that maintaining and administering the Domestic Abuse Register could result in additional costs to Police Scotland if the management of reporting requirements is to work in a similar way to the existing Sex Offenders Register, due to the resource cost that this register creates.

As at 31 July 2022, there are 4587 Registered Sex Offenders in communities across Scotland, and a further 1669 in either hospital or custody⁸². Given there were 33,425

⁸⁰ [The-Rise-Report-Final.pdf \(womensaid.scot\)](#)

⁸¹ <https://womensaid.scot/wp-content/uploads/2022/07/The-Rise-Report-Final.pdf>

⁸² Police Scotland, *Registered Sex Offender Numbers*, 31 July 2022, [link](#).

domestic abuse charges recorded in 2020-21⁸³, it is reasonable to expect that the number of offenders on the Domestic Abuse Register would be higher than on the Sex Offenders Register, and that this would result in increased administration and maintenance costs.

There would also be costs on the Scottish Government in relation to the reporting requirements to improve the quality and availability of information on domestic abuse, including broken down by specific groups of people. There would also be costs on education authorities for the delivery of teaching on domestic abuse. There is also potential that from both of these pieces of work incidences of domestic abuse may come to be reported more readily, and therefore there will be more victims in need of support and more proceedings against offenders than previously.

However, domestic abuse continues to rise, and I consider this to be a necessary use of public money to support individuals and also to intercept offenders to punish them, rehabilitate them and reduce reoffending. I also consider the cultural shifts that an increased understanding of domestic abuse in young people and in different communities and groups in society will ultimately reduce incidences of domestic abuse.

Indeed, given the key policy aim of my proposals is to deter and to prevent domestic abuse including reducing re-offending, I believe that the initial outlay of costs and the recurring costs, including of the new register would be more than offset in a reduction in costs for Scottish Courts, NHS, Police Scotland, Social Work Services, Scottish Prison Services, COPFS, local authorities and others. Reducing the incidence of domestic abuse means fewer victims in need of treatment and support, fewer court cases, fewer custodial sentences amongst other benefits.

Wherever possible, the implementation of the proposed Bill's other measures will be implemented through existing services, including anger management services and domestic abuse charities. It is expected that, if a perpetrator were to be sentenced to a programme of anger management classes, the costs for the classes would fall on the perpetrator in the same way that drivers are expected to pay for a Speed Awareness Course if caught speeding by various Police forces in England and Wales⁸⁴.

Equalities

An initial Equalities Impact Assessment (EQIA) has been carried out as part of policy development on the proposed bill. The EQIA assesses the impact of the proposed bill's provisions, both positive and negative, on different protected characteristics under the Equality Act 2010. Those protected characteristics are: age, gender reassignment, being married or in a civil partnership, being pregnant or on maternity

⁸³ COPFS, *Domestic abuse and stalking charges in Scotland 2020 – 2021*, 7 September 2021, [link](#).

⁸⁴ *Car Buyer*, 19 May 2022, [link](#).

leave, disability, race including colour, nationality, ethnic or national origin, religion or belief, sexual orientation.

It is evident that women are more likely to be victims of domestic abuse and would therefore be more likely to benefit from the proposed bill. Police Scotland statistics for 2020-21 show that, where gender information was recorded, four-in-five (80%) incidents of domestic abuse in 2020-21 involved a female victim and a male accused. That figure has remained stable for the preceding 10 years.⁸⁵

While there does not appear to be any Scotland-specific data available, it may be the case that disabled people are more likely to experience domestic abuse than non-disabled people. Statistics published in relation to England and Wales show that between April 2019 and March 2020 5% of non-disabled people experienced domestic abuse compared to 14% of disabled people.⁸⁶

As mentioned earlier in this document, it has been suggested that not all measures currently in place to support victims of domestic violence work equally well for those in minority groups. For example, within some BAME communities there are significant cultural barriers which may prevent victims from accessing domestic abuse services or reporting incidents of domestic abuse. These can range from language barriers to more complex issues, such as what may be perceived as the shame of being seen to access domestic abuse services. In addition, some stakeholder groups have suggested that people with disabilities generally struggle to access domestic abuse services.

The proposed bill seeks to improve data gathering and publication to better understand the level of domestic abuse services available and the access and uptake for different groups in society including BAME people and individuals with disabilities.

Sustainability

In making an initial assessment of the sustainable development elements of the draft proposal, a number of relevant principles have been considered, including:

- ensuring a strong, healthy and just society, with the elements relating to this considered including:
 - health and wellbeing
 - equalities and equity
 - social capital (the relationships and networks that people can draw on, and the trust, reciprocity and mutual support they represent)

⁸⁵ [Domestic abuse: statistics recorded by the Police in Scotland - 2020/21 - gov.scot \(www.gov.scot\)](https://www.gov.scot/publications/domestic-abuse-statistics-2020-21/pages/introduction.aspx)

⁸⁶ Disability and crime - Office for National Statistics (ons.gov.uk)

It is hoped that the introduction of a register of those convicted of domestic abuse related offences will help to keep potential victims safe from abusers, and act as a deterrent to potential perpetrators. The proposed bill also seeks to introduce mandatory rehabilitation measures, such as anger management sessions, for those convicted of domestic abuse related offences which would also contribute to reducing re-offending. These steps would improve the wellbeing of individuals who do not become victims of abuse, on those who do not go on to offend or to re-offend. Beyond the valuable impact on individuals, this would have a positive impact on wider families, communities and on society as a whole.

As mentioned in earlier in the document, people with protected characteristics, including BAME people and disabled people, may feel isolated and helpless as they may experience difficulty in accessing domestic abuse related services. The proposed bill aims to ensure that such issues are addressed, and that people can access the information and support that they need.

The proposed bill also seeks to introduce mandatory education relating to domestic violence. It is considered that providing education on the subject from school age will have a positive effect in reducing incidences of domestic violence both now and for future generations. It should also enable people to better identify domestic abuse experienced by others or to feel emboldened to say when they are experiencing it themselves.

Finally, a reduction in the level of domestic abuse would reduce the pressures on valuable services in our society such as the National Health Service, Police, social services and other local authority provided services, the Scottish Court Service and third sector organisations facing high demand for their support services.

Data protection

An initial screening exercise has been carried out in relation to the extent to which the which the proposal impacts on the processing of personal data. For example, the creation of a domestic abuse register would require those placed on it to report certain changes in their circumstances to the Police, similar to the approach taken for the sex offenders' register. This information could include:

- o Notifying the police of their full name, address, date of birth, passport details, credit card and bank account details, and National Insurance Number.
- o Notifying the police within three days if any of these details change. These details must be re-confirmed with the Police at least annually.
- o Notifying the Police within three days if they spend seven days or more at an address not already declared to the Police.
- o Notifying the Police of any foreign travel at least 7 days before departure

The length of time an offender's name will stay on the register will depend on the severity of the original offence. The information contained within the Register could be shared on a confidential basis with organisations and individuals who come into contact with an individual on the register such as a landlord, employer, hospital staff.

This and other elements of the proposal's impact on the processing of personal data will be evaluated throughout the policy development process and the Information Commissioner's Office will be informed of this proposal at this early stage.

Questions

About you

(Note: Information entered in this “About You” section may be published with your response (unless it is “not for publication”), except where indicated in **bold**.)

1. Are you responding as:
 - an individual – in which case go to Q2A
 - on behalf of an organisation? – in which case go to Q2B

- 2A. Which of the following best describes you? (If you are a professional or academic, but not in a subject relevant to the consultation, please choose “Member of the public”.)
 - Politician (MSP/MP/peer/MEP/Councillor)
 - Professional with experience in a relevant subject
 - Academic with expertise in a relevant subject
 - Member of the public

Optional: You may wish to explain briefly what expertise or experience you have that is relevant to the subject-matter of the consultation:

- 2B. Please select the category which best describes your organisation:
 - Public sector body (Scottish/UK Government or agency, local authority, NDPB)
 - Commercial organisation (company, business)
 - Representative organisation (trade union, professional association)
 - Third sector (charitable, campaigning, social enterprise, voluntary, non-profit)
 - Other (e.g. clubs, local groups, groups of individuals, etc.)

Optional: You may wish to explain briefly what the organisation does, its experience and expertise in the subject-matter of the consultation, and how the view expressed in the response was arrived at (e.g., whether it is the view of particular office-holders or has been approved by the membership as a whole).

3. Please choose one of the following:
 - I am content for this response to be published and attributed to me or my organisation
 - I would like this response to be published anonymously
 - I would like this response to be considered, but not published (“not for publication”)

If you have requested anonymity or asked for your response not to be published, please give a reason. **(Note: your reason will not be published.)**

4. Please provide your name or the name of your organisation. **(Note: The name will not be published if you have asked for the response to be anonymous or “not for publication”.)**

Name:

Please provide a way in which we can contact you if there are queries regarding your response. Email is preferred but you can also provide a postal address or phone number. **(Note: We will not publish these contact details.)**

Contact details:

5. **Data protection declaration**

I confirm that I have read and understood the to this consultation which explains how my personal data will be used.

If you are under 12 and making a submission, we will need to contact you to ask your parent or guardian to confirm to us that they are happy for you to send us your views.

Please ONLY tick this box if you are UNDER 12 years of age.

Your views on the proposal

Aim and approach

1. Which of the following best expresses your view of the proposed Bill? **Please note that this question is compulsory.**

- Fully supportive
- Partially supportive
- Neutral (neither support nor oppose)
- Partially opposed
- Fully opposed
- Unsure

Please explain the reasons for your response.

2. Do you think legislation is required, or are there are other ways in which the proposed Bill's aims could be achieved more effectively? Please explain the reasons for your response.

Domestic abuse register

3. Which of the following best expresses your view on creating a register of those convicted of domestic abuse related offences?

- Fully supportive
- Partially supportive
- Neutral (neither support nor oppose)
- Partially opposed
- Fully opposed
- Unsure

Please explain the reasons for your response. Please include any views you have on the list of policy details set out in bold on pages 23 and 24 of this document.

Rehabilitation measures

4. Which of the following best expresses your view of introducing mandatory rehabilitation measures for those convicted of domestic abuse?

- Fully supportive
- Partially supportive
- Neutral (neither support nor oppose)
- Partially opposed
- Fully opposed
- Unsure

Please explain the reasons for your response. Please include any views you have on the list of policy details set out in bold on page 26 of this document.

Data

5. Which of the following best expresses your view of the proposals for data collection and reporting set out in this document in bold on pages 30 and 31?

- Fully supportive
- Partially supportive
- Neutral (neither support nor oppose)
- Partially opposed
- Fully opposed
- Unsure

Please explain the reasons for your response including what information could usefully be collated and which groups in society could most benefit from improved information on their access to domestic abuse services and support.

Education

6. Which of the following best expresses your view of introducing mandatory education in schools on domestic abuse?

- Fully supportive
- Partially supportive
- Neutral (neither support nor oppose)
- Partially opposed
- Fully opposed
- Unsure

Please explain the reasons for your response including any comments on the issues in bold on page 32 of this document.

Financial implications

7. Any new law can have a financial impact which would affect individuals, businesses, the public sector, or others. What financial impact do you think this proposal could have if it became law?

- a significant increase in costs
- some increase in costs
- no overall change in costs
- some reduction in costs
- a significant reduction in costs
- skip to next question

Please explain the reasons for your answer, including who you would expect to feel the financial impact of the proposal, and if there are any ways you think the proposal could be delivered more cost-effectively.

Equalities

8. Any new law can have an impact on different individuals in society, for example as a result of their age, disability, gender re-assignment, marriage and civil partnership status, pregnancy and maternity, race, religion or belief, sex or sexual orientation. What impact could this proposal have on particular people if it became law? If you do not have a view skip to next question.

Please explain the reasons for your answer and if there are any ways you think the proposal could avoid negative impacts on particular people.

Sustainability

9. Any new law can impact on work to protect and enhance the environment, achieve a sustainable economy, and create a strong, healthy, and just society for future generations. Do you think the proposal could impact in any of these areas? If you do not have a view then skip to next question.

Please explain the reasons for your answer, including what you think the impact of the proposal could be, and if there are any ways you think the proposal could avoid negative impacts

General

10. Do you have any other additional comments or suggestions on the proposed Bill (which have not already been covered in any of your responses to earlier questions)?

How to respond to this consultation

You are invited to respond to this consultation by answering the questions in the consultation and by adding any other comments that you consider appropriate.

Format of responses

You are encouraged to submit your response via an online survey (Smart Survey) if possible, as this is quicker and more efficient both for you and the Parliament. However, if you do not have online access, or prefer not to use Smart Survey, you may also respond by e-mail or in hard copy.

Online survey

To respond via online survey, please follow this link:

<https://www.smartsurvey.co.uk/s/DomesticAbuseBill/>

The platform for the online survey is Smart Survey, a third party online survey system enabling the SPCB to collect responses to MSP consultations. Smart Survey is based in the UK and is subject to the requirements of the General Data Protection Regulation (GDPR) and any other applicable data protection legislation. Any information you send in response to this consultation (including personal data) will be seen by the MSP progressing the Bill and by staff in NGBU.

Further information on the handling of your data can be found in the Privacy Notice, which is available either via the Smart Survey link above or here [Privacy Notice](#)

Smart Survey's privacy policy is available here:

<https://www.smartsurvey.co.uk/privacy-policy>

Electronic or hard copy submissions

Responses not made via Smart Survey should, if possible, be prepared electronically (preferably in MS Word). Please keep formatting of this document to a minimum. Please send the document by e-mail (as an attachment, rather than in the body of the e-mail) to:

pam.gosal.msp@parliament.scot

Responses prepared in hard copy should either be scanned and sent as an attachment to the above e-mail address or sent by post to:

Pam Gosal MSP
Room M2.09
Scottish Parliament
Edinburgh EH99 1SP

Responses submitted by e-mail or hard copy may be entered into Smart Survey by my office or by NGBU.

If submitting a response by e-mail or hard copy, please include written confirmation that you have read and understood the [Privacy Notice](#). You may also contact my office by telephone on (0131) 348 5950.

Deadline for responses

All responses should be received no later than **20 November 2022**. Please let me know in advance of this deadline if you anticipate difficulties meeting it. Responses received after the consultation has closed will not be included in any summary of responses that is prepared.

How responses are handled

To help inform debate on the matters covered by this consultation and in the interests of openness, please be aware that I would normally expect to publish all responses received (other than “not for publication” responses) on my website: <https://www.pamgosal.org.uk/domestic-abuse-register-bill>

Published responses (other than anonymous responses) will include the name of the respondent, but other personal data sent with the response (including signatures, addresses and contact details) will not be published.

Where responses include content considered to be offensive, defamatory or irrelevant, my office may contact you to agree changes to the content, or may edit the content itself and publish a redacted version.

Copies of all responses will be provided to the Scottish Parliament’s Non-Government Bills Unit (NGBU), so it can prepare a summary that I may then lodge with a final proposal (the next stage in the process of securing the right to introduce a Member’s Bill). The [Privacy Notice](#) explains more about how the Parliament will handle your response.

If I lodge a final proposal, I will be obliged to provide copies of responses (other than “not for publication” responses) to the Scottish Parliament’s Information Centre (SPICe). SPICe may make responses available to MSPs or staff on request.

Requests for anonymity or for responses not to be published

If you wish your response to be treated as anonymous or “not for publication”, please indicate this clearly. The [Privacy Notice](#) explains how such responses will be handled.

Other exceptions to publication

Where a large number of submissions is received, particularly if they are in very similar terms, it may not be practical or appropriate to publish them all individually. One option may be to publish the text only once, together with a list of the names of those making that response.

There may also be legal reasons for not publishing some or all of a response – for example, if it contains irrelevant, offensive or defamatory content. If I think your response contains such content, it may be returned to you with an invitation to provide a justification for the content or to edit or remove it. Alternatively, I may publish it with the content edited or removed, or I may disregard the response and destroy it.

Data Protection

As an MSP, I must comply with the requirements of the General Data Protection Regulation (GDPR) and other data protection legislation which places certain obligations on me when I process personal data. As stated above, I will normally publish your response in full, together with your name, unless you request anonymity or ask for it not to be published. I will not publish your signature or personal contact information. The [Privacy Notice](#) sets out in more detail what this means.

I may also edit any part of your response which I think could identify a third party, unless that person has provided consent for me to publish it. If you wish me to publish information that could identify a third party, you should obtain that person's consent in writing and include it with your submission.

If you consider that your response may raise any other issues under the GDPR or other data protection legislation and wish to discuss this further, please contact me before you submit your response. Further information about data protection can be found at: <https://ico.org.uk/>

Freedom of Information (Scotland) Act 2002

As indicated above, NGBU may have access to information included in, or provided with, your response that I would not normally publish (such as confidential content, or your contact details). Any such information held by the Parliament is subject to the requirements of the FOISA. So if the information is requested by third parties the Scottish Parliament must consider the request and may have to provide the information unless the information falls within one of the exemptions set out in the Act. I cannot therefore guarantee that any such information you send me will not be made public should it be requested under FOISA.

Further information about Freedom of Information can be found at:

www.itspublicknowledge.info.