

## Consultation Response: Domestic Abuse (Prevention) Bill

### SUBMISSION FROM SOCIAL WORK SCOTLAND, TO SCOTTISH GOVERNMENT CONSULTATION

**20 November 2022**

Social Work Scotland is the professional body for social work leaders, working closely with our partners to shape policy and practice, and improve the quality and experience of social services. We welcome this opportunity to comment on the proposed Domestic Abuse (Prevention) Bill and its proposed introduction of introduce a Domestic Abuse Register, improved rehabilitation measures, mandatory reporting on access to domestic abuse services for disabled people or those from BAME backgrounds, and improved domestic abuse education in schools.

*“Social work and social care services are essential to the delivery of good outcomes, particularly but not exclusively, to the most vulnerable in our communities. Social work makes an important contribution to the public domain; working with people and helping them achieve change in their lives and helping them to contribute through the social relationship. This requires a particular balance of need, risk and rights.”<sup>1</sup>*

Social workers are uniquely placed as a profession to offer insight and contribution to this consultation as social workers hold legal duties under the Social Work (Scotland) Act 1968 placing responsibility on them for assessing the needs of those in the local authority area. As such, we seek to support the effective interaction and joint working of partner professionals in the process of delivering services and interventions to

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<sup>1</sup> [The Role of Chief Social Work Officer: Principles, Requirements and Guidance pursuant to Section 5\(1\) of the Social Work \(Scotland\) Act 1968 \(www.gov.scot\)](https://www.gov.scot/publications/role-of-chief-social-work-officer/principles-requirements-and-guidance/pdfs/full-report.pdf)

adults and children under the auspices of the above-noted legislation. Working within this multi-agency context, social workers hold a duty to offer perspective to ensure that a Human Rights enabling and strengths-based approach that is cognisant of the intersectionality of poverty, social justice and inequality <sup>2</sup> is central to the delivery of services.

## **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) X The ambition of the Bill is noteworthy but further investigation is necessary to align with current research.**

Partially opposed

Fully opposed

Unsure

### **Please explain the reasons for your response (text box)**

Social Work Scotland welcomes the opportunity to respond to this consultation and is supportive of the concept of reaching more men, women and families affected by domestic abuse. Taking a human rights, anti-stigma and trauma-informed approach needs to be at the heart of this work. The impact of poverty alongside health and social care inequalities is essential to understand when responding to domestic abuse. The ambition described within the consultation of supporting “harder to reach” individuals from various cultural backgrounds, including BAME, LGBTQ and other under-represented groups is valued. However, the method outlined in order to achieve greater reach and to bridge some of the gaps in provision seems flawed and further, wider consultation is highly recommended in order to gain greater insight and understanding of this client group. A number of recommendations are made in responding to questions below. It is also noteworthy, that the aim of targeting more widely will have significant resourcing implications.

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<sup>2</sup> [Intersectionality-Revealing-the-Reality-of-Poverty-and-Inequality-in-Scotland-May-2021.pdf \(povertyinequality.scot\)](#)

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 (text box)

Legislation in itself does not change culture or behaviour. Taking advantage of existing legislation and mechanisms to maximise safety and minimise risk needs to be further explored, taking account of current research.

### **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 (text box)**

The Management of Offenders etc (Scotland) Act 2005, places a duty on Responsible Authorities for the assessment and management of certain categories of offenders, who may pose a risk to the public. This includes a category for violent offenders, whereby there are robust arrangements in place, Multi-Agency Public Protection Arrangements, (MAPPA) to take account of the risks posed by individuals who fall into this definition. In many cases, this includes those who have been convicted of domestic abuse related offences. Consideration could be given to strengthening these existing arrangements, if it is determined that gaps exist.

It is important to state that having a register with notification requirements neither changes attitudes or behaviour that are of concern. It is an arrangement that operates alongside other measures and interventions in order to maximise public protection. This includes Multi-Agency Risk Assessment Conference (MARAC) which operates in Scotland and allows agencies to share information and discuss high risk domestic abuse cases as well as develop a safety plan for the victim and any children who may be involved. The Disclosure Scheme for Domestic Abuse Scotland (DSDAS) gives people the right to ask about the background of a partner. If the aim is to reach a wider population of people convicted of domestic abuse

related or aggravated offences, then there needs to be correspondingly, enhanced resources in place for Justice agencies such as Police Scotland and Local Authorities as well as a range of other organisations. If an individual's background relating to convictions and behaviour of domestic abuse was to be disclosed routinely to an individual (who is in a relationship with such a person), then support services would require to be put in place for those affected. There are also issues in relation to consent, GDPR and human rights which need careful thought. A standalone disclosure, without bespoke support, would be inadequate and indeed may lead to avoidable service generated risks.

## **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 (text box)**

Social Work Scotland strongly recommends further debate and discussion around the proposals within this consultation and that reference is made to effective practice, research and "what works" evidence, in order to gain the best outcomes from a period of rehabilitation. Reference is made to studies which date back to 2012 and perhaps more current thinking would help underpin a way forward. Effective interventions often revolve around cognitive behavioural approaches and desistance for those committing the offences.

An individual cannot be forced or punished into rehabilitation. A human rights approach determines that any restrictions on liberty should be well- founded. The skills and experience of practitioners should focus on motivation and engagement in order to encourage an individual to take part, participate and finish a course of attitude and behaviour change with long lasting impact and positive outcomes. This is more likely to benefit the individual, his family and ultimately the community.

Anger management programmes in themselves will not address the multi-factorial and complex issues associated with domestic abuse for both the person causing the harm and those affected by the behaviour. An accredited or approved process of risk

assessment and management, alongside consideration of needs and other protective factors will inform a more bespoke approach. Great caution is recommended, if the cost of programmes were to lie with the individual as this is likely to have a detrimental effect on the income of many families, who as stated earlier often live in more deprived areas of Scotland, compounded by issues of poverty and exacerbated by the current cost of living crisis. However, it is also acknowledged that domestic abuse is not exclusively restricted to more deprived areas but crosses all cultures, backgrounds and financial circumstances.

Social Work Scotland agrees that restorative justice can be a powerful tool for change when carried out under the right circumstances and by professionally trained facilitators.

## **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 (text box)**

The Scottish Government's "Delivering Equally Safe" strategy and funding provides a strong basis to build upon and Social Work Scotland would recommend that existing practices and approaches be considered to avoid any future duplication. It aims to prevent and eradicate violence against women and girls. The Equally Safe Delivery Plan complements the strategy ensuring that the overarching ambitions are rooted in practical delivery. The learning and experience gained from this strategy could perhaps be extended to include underrepresented groups.

We would agree that annual reporting could perhaps bring greater clarity on the extent of the problem and progress monitored, year on year. Qualitative information on the journey of those with "lived experience" could help inform service improvements.

## 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. (text box)**

Social Work Scotland would recommend that consultation with Education colleagues be initiated as they are key and relevant partners in this area and will be well placed to address the questions raised in an education context. It would be Social Work Scotland's view that there is critical necessity in ensuring that should a young person make a disclosure regarding familial domestic abuse then support services proportionate to risk and needs requires to be in place. This approach will have resource implications on available workforce and finance and should therefore involve robust discussion around how introduction of new responsibilities will be met with commensurate resource to support its implementation.

## 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 X**

some increase in costs

no overall change in costs

some reduction in costs

a significant reduction in costs

**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. (text box)**

There would be substantial implications if a wider group of individuals are targeted with a need also for equivalent support services for those disclosing and suffering the effects of domestic abuse. Any progression of such a proposal should be accompanied by robust financial modelling to support a deeper understanding of the costings involved and to evidence an understanding of the services currently in place.

## **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. (text box)**

Social Work Scotland members agree that the ambition of the Bill is positive, in that it aims to reach excluded and hard to reach, under-represented groups. However we would ask that further debate and discussion occur prior to progressing any proposal to ensure a shared understanding of process and interconnected legislation and policy were fully understood.

## **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. (text box)**

Social Work Scotland are not in a position to offer a view on this question.

## **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)? (text box)

Social Work Scotland have provided views on the proposal within the previous questions and have nothing further to add.

For further information, please contact:

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