

## The proposed Civil Protection Orders and Access to Justice (Scotland) Bill

Response to Consultation from the Protection Task Group of the Fife Domestic and Sexual Abuse Partnership (FDASAP)

FDASAP welcomes the proposals within this document and sees them as a significant step to affording victims of domestic abuse a greater level of protection.

*1. What advantages or problems might arise as a result of removing the course of conduct requirement?*

Removing the requirement for a course of conduct to be established would make it easier for victims to seek legal protection at an earlier stage. The Partnership agrees that one incident of domestic abuse is a reasonable indicator that the victim is at future risk. If the perpetrator does nothing to harass the victim – there will be no action against him/her and would not be disadvantaged.

*2. What do you see as the main benefits of making it easier to obtain a non-harassment order?*

Victims of domestic abuse would be more protected by criminal law having protection beyond sentencing, when bail conditions end.

Perpetrators would know that their actions are being taken seriously by the criminal justice system and that any requirements for "good behaviour" prior to sentencing will need to continue.

The responsibility is switched to the procurator fiscal, rather than the victim needing to arrange for a lawyer to apply for an interdict on their own behalf in what is currently a very complicated and expensive process

*3. What advantages or problems might arise with the removal of means testing?*

*4. What do you see as the main benefits of removing means testing?*

It would be a very positive move to remove means testing. Individuals should not have to pay for their personal protection.

When survivors reach the point of leaving their abusive partner, there are usually significant financial pressures associated with the change of circumstance. There may be costs associated with more than one property in the transition, the need to start over in a new home buying household items, increased travel costs etc etc

Or it may be that the victim has to cover all household costs that would previously have been covered by two incomes.

The financial cost of leaving an abusive partners often delays the decision to leave.

At present people with incomes above a certain level do not receive Legal Aid which often prevents them from obtaining orders.

5. *What are the advantages and problems that might arise from making it a criminal offence to breach an interdict with a power of arrest?*

6. *What do you see as the main benefits of making it a criminal offence to breach an interdict with a power of arrest?*

It would encourage a consistent response from frontline police officers who would have clear powers of arrest. At present the law is very complicated and difficult for police officers to be clear about the status of powers of arrest

7. *What costs would be associated with all of the proposals contained in the Bill?*

There would be implications in terms of training and IT to ensure the police knew of all orders and interdicts. There could be savings through enhanced safety and greater protection for victims

**Additional Comments:**

There is concern about:

- whether procurator fiscals will proactively support the proposals and ensure non harassment orders are requested.
- the rigor needed to ensure any breaches are brought back to Court