



## Falkirk Multi Agency Domestic Abuse Forum response to Rhoda Grant Consultation

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

The Falkirk Multi Agency Domestic Abuse Forum (MADAF) welcomes the opportunity to respond to this consultation. It agrees to the publication of all the material contained in this response.

#### Background

The Falkirk Multi Agency Domestic Abuse Forum is made up of members from the Local Authority, Falkirk Child Protection, NHS Forth Valley, Central Scotland Police, Falkirk and District Women's Aid, Victim Support, Open Secret, Central Scotland Rape Crisis and Sexual Abuse Centre, SACRO, COPFS, Victim Information and Advice (VIA), and Relationships Scotland (Couple Counselling Central Scotland).

The group works together to tackle issues relating to the Violence against Women agenda.

#### Consultation / Comments

The Consultation document was forwarded to all members of the forum. This reply is based on a collective response, although it is acknowledged that some members may have chosen to respond directly on behalf of their own service or organisation. This response acknowledges that both men and women are subject to abuse from partners or ex-partners; however we know that, overwhelmingly, instances of domestic abuse are perpetrated by men against women.

Q1. What advantages or problems might arise as a result of removing the course of conduct requirement?

Members felt strongly that it would be easier to obtain Non Harassment Orders which would no longer require witnesses to two separate incidents. This is seen as giving vulnerable victims additional protection at an earlier stage. Hopefully removing this requirement will lead to a reported incident being dealt with more effectively by the legal system & immediate safeguards put in place. This would also ensure that people (including children and young people) are not subjected to repeated harm. Furthermore it may encourage more reporting from victims which will send out a clear message of zero tolerance to perpetrators.

In terms of problems which might arise it was thought that this restriction on someone's life may be open to abuse. By removing the course of conduct, partners in bitter custody disputes may wish to abuse the system and apply for NHO's. Whilst it was recognised that this was probably most likely to happen in the smallest of instances, there is still a chance that someone who wants out of a relationship might not tell the whole truth. This may be an inappropriate response as far as the accused is concerned.

Q2. What do you see as the main benefits of making it easier to obtain a non-harassment order?

Members felt that the main benefits will be additional protection for victims and children. By making it easier to apply for NHO's it will reduce the amount of harassment that victims often have to endure, prior to protective measures being put in place. More NHO's will be granted and restrictions will be placed on perpetrators. This is considered to be another valuable tool for protecting children and young people who may be at risk of being removed from a family if the mother has difficulty in keeping the perpetrator away. Victims will have a sense of power over their own lives.

Q3. What advantages or problems might arise with the removal of means testing?

Members felt that the removal of means testing would allow legislation to be accessible to all people regardless of financial situation, giving additional protection to vulnerable families from abusive partners. It was acknowledged that many women are left in financial hardship when a relationship breaks down and additional financial barriers contribute greatly to stress and anxiety. Whilst the increase to the disposable income limit for civil legal aid from £10,306 to £25,000 was a step in the right direction there are still many women who are on the cusp of the £25,000 barrier.

No problems were identified which might arise with the removal of means testing.

Q4. What do you see as the main benefits of removing means testing?

The main benefit of removing means testing was seen as additional protection for victims and children.

It was recognised that with more people able to access legal protection there will be an obvious financial burden on the Scottish Government. But this should be seen as a "short-term cost" with a result to "long-term saving" - both financial & to those affected.

Q5. What are the advantages and problems that might arise from making it a criminal offence to breach an interdict with a power of arrest?

Members felt the main advantages that might arise from making it a criminal offence to breach an interdict with powers of arrest was that police and courts are already familiar with matrimonial interdicts with power of arrests and that perpetrators may be more reluctant to continue to harass victims. At the moment, many perpetrators do not treat this with any respect as it is seen as a "warning" without any consequences.

Very few problems were identified other than the fact that the Procurator Fiscal and Court process would need to become more efficient to deal with the potential numbers. Also, Sheriffs would have to buy into the process and treat it seriously.

Q6. What do you see as the main benefits of making it a criminal offence to breach an interdict with a power of arrest?

The main benefit identified was that, currently a breach of an order only carries a maximum outcome of a two day remand. By making it a criminal offence this will allow the courts to dispose of the cases as they see fit, with enhanced disposal options available. Victims will receive more protection & some, though not all, perpetrators may take treat the order seriously.

Q7. What costs would be associated with all of the proposals contained in the Bill?

It was considered that there are no obvious costs from this proposed amendment; however it is recognised that some training will be necessary for both the Police and Fiscals Service. Information Technology crime recording systems and criminal records will also require additional codes.

It was noted that there will be some additional court time required due to a perceived increase in criminal custody cases and resultant trial time. However this may be offset by a reduction in civil court time.

All of the above costs can be factored and will be a fraction in comparison to the emotional and financial costs required to respond and investigate further abusive incidents. The impact would include savings to legal, housing/homelessness, health, education etc.

It was noted that, should the proposed changes take place, marketing and the provision of information will need to be considered so that people are aware of their rights and how the legislation affects them.

