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[REDACTED]

From: [REDACTED]
Sent: 17 February 2010 16:09
To: [REDACTED]
Cc: [REDACTED]
Subject: Re: Civil Protection Orders and Access to Justice (Scotland) Bill

Hi Liza

I attach below a response approved by the North Ayrshire Violence Against Women Forum today which strongly supports the proposals contained in the Bill.

The Forum has recently carried out a research project which found considerable evidence of the difficulties in accessing justice that the Bill seeks to remedy. Its response highlights the key findings in this regard. I also attach a full copy (which is long) and the summary version of the research report in case this is of any use.

The Forum very much welcomed the proposals in the Bill and I wish you every success in pursuing these important legislative changes

Kind regards

Marjorie Adams
Policy and Performance Officer

Chief Executive's Services
North Ayrshire Council, Cunninghame House, Irvine KA12 8EE
Tel: 01294 324128
Fax: 01294 324144

[REDACTED]

17/02/2010 10:08

To: [REDACTED]
cc
Subject Civil Protection Orders and Access to Justice (Scotland) Bill

Dear Sir/Madam

This email is to remind you of the impending end date of the consultation period for the Civil Protection Orders and Access to Justice (Scotland) Bill. We would like to request and encourage all of you to respond to the consultation by the 26th February. A copy of the consultation document was sent during the first week of December 2009. However, as a reminder I have attached the document to this email along with the original message at the bottom of this message.

We strongly urge you to read and respond to this consultation document. The proposed Civil Protection Orders and Access to Justice (Scotland) Bill seeks to give people greater access to protection. The purpose of this Bill is to address the problems of access to justice, failures to provide a robust response to breached orders and provide more effective protection for victims of domestic abuse. We have

17/02/2010

received some responses already and thank those for their contribution and feedback. We continue to seek as many responses as possible to help draft and proceed with the Bill through [REDACTED]

Please do not hesitate to contact me if you have any questions in relation to this Bill. We would also like to thank those who have kindly circulated this document with their colleagues. We look forward to hearing from you in the future. [REDACTED]

Regards,

[REDACTED]

[REDACTED]
[REDACTED]
Scottish Parliament

Highlands & Islands
David Stewart MSP, Rhoda Grant MSP & Peter Peacock MSP
Tel: 0131 348 6937
Fax: 0131 3485767

<<Rhoda Grant Consultation.pdf>>

Dear Colleague

On behalf of Rhoda Grant MSP I am writing to share an e-copy of the consultation document for The Proposed Civil Protection Orders and Access to Justice (Scotland) Bill. This document was launched on December 1, 2009. The purpose of this Bill is to address the problems related to access to justice and the failure to provide a robust response to breached orders.

We encourage you to read and share the consultation document amongst your fora members. Details on how to respond are included within the document.

Yours Sincerely,

[REDACTED]

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Civil Protection Orders and Access to Justice (Scotland) Bill

Response by North Ayrshire Violence Against Women Forum

1. Introduction

The North Ayrshire Violence Against Women Forum welcomes the proposals included in the Civil Protection Orders and Access to Justice (Scotland) Bill which will improve the legal position and the protection of women experiencing violence in Scotland, irrespective of their economic background.

The Bill reflects concerns which have been discussed by the Forum in the past on the legislation in this area. It goes a significant way towards addressing a number of the concerns previously raised through the Forum and highlighted through recent research it has carried out.

The Forum shares the concern highlighted in the Bill about women experiencing abuse and issues associated with use of interdicts. North Ayrshire Women's Aid has found that:-

- unless women are eligible for legal aid, they normally find it difficult to afford interdicts;
- local solicitors are refusing to take on women seeking interdicts who are not entitled to legal aid;
- interdicts alone are insufficient protection for many women;
- there are problems in obtaining interdicts which can lead to recurring homelessness, as women require to move on regularly to evade their abuser; and
- interdicts should not require to be funded by the abused victim.

All of these concerns would be addressed positively by the proposed Bill.

2. Research Findings

The Forum has commissioned research undertaken by Ann Rosengard Associates in 2008/09 on "Understanding and Tackling Domestic Abuse in North Ayrshire". This has also highlighted that the remedies provided by the existing legislation provide women with a range of civil remedies, but that they can only enforce them if they have sufficient funds, legal aid and solicitors able to pursue cases through the Courts.

The research found that although the range of civil remedies has increased, their usage has decreased. In the past three years there have been only 3

applications to the Scottish Legal Aid Board (SLAB) from North Ayrshire for civil legal aid in an action for an Exclusion Order. In the same period there were a further 20 applications for interdicts/No-Molestation Orders. In contrast, in the previous three year period, 2002/2005, SLAB estimate that there were 64 applications relating to domestic abuse.

Over this time there have been reductions in the availability of legal aid, but even taking that into account, the researchers concluded that application for Civil Legal Aid for protections have fallen by a greater rate than the general reduction in Civil Legal Aid applications. This is clear evidence supporting the need for the changes outlined in the Bill.

Data from the Police showed a similar reduction and indicates that, failing a Civil Legal Aid application, women are paying for Civil Court Orders. Costs quoted locally for an undefended interdict or Non-Molestation Order range from £1,000 to £2,000.

Few of the fifteen women interviewed by the researchers said that they had received information on, or used, the civil provisions available to them. The report indicates that there has been some confusion over the use of interdicts and Non Harassment Orders and highlights the need for multi agency training and clear information on how civil remedies and protective orders operate.

The researchers conclude that access to civil protection should be recognised and promoted as an important part of protection.

The Forum therefore welcomes and fully supports the proposals contained in the Bill which will improve access to justice and protection for women experiencing domestic abuse.

17 February 2010