

**South Lanarkshire Council
Social Work Resources**

**Consultation Document from Rhoda Grant MSP 1st December 2009 –
Reply by 26.2.10 on - The Proposed Civil Protection Orders and Access to
Justice (Scotland) Bill.**

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	<i>Please indicate whether you are responding as an individual member of the public or on behalf of an organisation</i> Responding on behalf of an organisation South Lanarkshire Council Social Work Resources

The information contained within this consultation response was obtained following discussion with Social Work Managers within Children & Family, Adult and Criminal Justice Services.

Consultation Questions & Response

1.	What advantages or problems might arise as a result of removing the course of conduct requirement?
	The Non harassment order, which currently requires a 'course of conduct' to be established by the victim, is a powerful legal tool in the protection of victims experiencing domestic abuse. Currently there is however barriers in obtaining this order due to the evidence required from the victim. The removal of the course of conduct barrier for people seeking to access non harassment orders will provide greater safety to victims and is therefore a definite advantage.
2.	What do you see as the main benefits of making it easier to obtain a non-harassment order?
	The main benefits are to afford victims with more protection and redress in the law as breach of a non harassment order can result in the perpetrator being charged with a criminal offence punishable by up to five years imprisonment. It is also a quicker route which will give victims less time to change their minds.
3.	What advantages or problems might arise with the removal of means testing?
	The removal of means testing will mean that all victims experiencing domestic abuse can have the advantage of access to the law free from the fear of financial burden.
4.	What do you see as the main benefits of removing means testing?
	Victims of abuse will secure legal aid more often than is currently the case and therefore have access to the justice they deserve.
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?
	Making it a criminal offence will attract more severe sentences in court. The problem may be that some victims may be deterred from using this route as they do not wish to be involved in a court situation where they will be asked to give evidence.
6.	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 advantage would be a clear message of the unacceptability of domestic abuse. It would remove the need for victims to instruct a solicitor each time the interdict is breached. Therefore reducing the incurring financial costs as well as the costs to the emotional health & well-being of the victim and possibly children.
7.	What costs would be associated with all of the proposals contained in the Bill?
	There may be increased costs to legal Aid but this will be balanced out with the current social costs incurred by re- housing, placing children and days lost at work.

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