

women's support project

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WORKING AGAINST VIOLENCE AGAINST WOMEN AND CHILDREN



Rhoda Grant MSP
The Scottish Parliament
Edinburgh
EH99 1SP

26th February, 2010

Dear Ms Grant,

I am responding to your current Bill on Civil Protection Orders and Access to Justice on behalf of the Women's Support Project.

First of all I would like to say that we welcome the opportunity to change the current situation where women (and men) have to pay considerable amounts to protect themselves and their children and also to clarify potential robust pieces of legislation.

Consultation Questions 1 and 2.

1. If removing a course of conduct requirement of non harassment orders, there could be more of a reluctance for courts to grant the orders.
2. The main benefits of making it easier to obtain a non harassment order would be:
 - In criminal proceedings it would be easier for the PF to request an nho
 - Gives a strong message to the abuser and the victim about the behaviour being unacceptable
 - It wouldn't be the woman who was raising the action
 - At present it would mean through criminal proceedings there would be no cost
 - For civil proceedings the advantage of being granted an nho is that as the legislation stands it is more robust than the other Acts in responding to breaches

Note. It may be time to consider consolidating legislation into a Domestic Abuse Act. Also I thought that there was already a recommendation in the Criminal Justice and Licensing Bill to remove the course of conduct and furthermore previous convictions would be considered in the proceedings.

Consultation Questions 3 and 4.

It is our experience at WSP that women have had to pay vast amounts of money to protect themselves and their children. In some instances selling their home, giving up a job and using savings. Given the high profile of domestic abuse and the impact on children, in many cases social workers are now pressurising women to apply for exclusion orders under the Mat Homes Act or interdicts under other pieces of legislation to keep the abusive man away from the children. Surely in the interests of child protection women should not be expected to pay for this or in fact be using these measure to protect children.

3. Taking away means testing may result in more emphasis from the Local Authority on the woman to take action to protect children. It could be that abusive men may use this to their advantage.

4. I am in support of the fact that abused women should not have to pay for ongoing legal protection. I think this is an advantage as very often women would be able to afford an initial cost of an interdict but not to continue to refer back to court if breached, thus the ongoing protection could not be upheld. This would be to the advantage of an abuser.

Consultation Questions 5 and 6.

5. I can't see any problems.

6. I think we have to promote interdicts with a power of arrest, or non harassment order and not just an ordinary interdict. The main benefit of making it a criminal offence to breach an interdict with a power of arrest would be increased protection and possible stronger deterrent for the abuser.

Consultation Question 7.

7. The financial costs could be more potentially. However, what cost does domestic abuse have on the lives of women and children. Costs would on the other hand be reduced as there would not be the need to go back and forth to court over breaches. Domestic abuse is rarely a one off event, incidents should not be seen in isolation of coercive control. It is important to be aware that leaving an abusive man is a dangerous time for women and children and leaving does not mean an end to the abuse. Whilst considering the issues raised in this Bill it should not be overlooked that protection is often a feature of contact and residence proceedings and links should be made.

Legal protection orders are important and moves towards making them more accessible and robust can only improve protection. Should you require clarification of any of the above, or further information, please do not hesitate to contact me.

Yours sincerely,

JANETTE DE HAAN
Senior Development Officer

