



Joint Barnardo's Scotland and NSPCC Scotland Briefing for Stage 3 Domestic Abuse (Scotland) Bill

31 January 2018

Barnardo's Scotland and NSPCC Scotland strongly support the Domestic Abuse (Scotland) Bill. The proposed offence of abusive behavior towards a partner or ex-partner is a vital step forward in holding perpetrators of abuse to account for the full range of their behaviours, including emotional, physical, financial and sexual abuse. As such the proposed offence is also key to recognizing the lived experience of those affected by domestic abuse.

We warmly welcome the recognition in the Bill that women and children experience domestic abuse together. The inclusion of an aggravation in relation to a child is a crucial development in making the harm experienced by children through domestic abuse of a partner or ex-partner visible. We were very pleased to see the Bill amended at stage 2 to ensure that the aggravator is able to capture the range of ways in which a child is adversely affected by domestic abuse. The Bill also made important progress at stage 2 by enabling children to be protected by Non-harassment Orders in cases of domestic abuse.

The value of a number of key aspects of the Bill will only be fully realized if its implementation is effectively monitored and transparently reported on.

For example, the requirement on the court to provide reasons for its decision as to whether the victim and relevant children need to be protected by a Non-harassment Order has the potential to tell us a great deal about how such orders are being used in relation to domestic abuse.

We support Claire Baker's amendments to Section 12A, requiring the Review of the operation of the Act to include reporting around specific measures in relation to children.

We greatly welcome further consideration of how information about the operation of this legislation in relation to women and children will be monitored, both in terms of ongoing publication of statistics and specific reporting requirements.

Future consideration of a parallel offence recognizing children as simultaneous victims of domestic abuse

We continue to believe that a parallel offence recognizing children as simultaneous victims of domestic abuse against a partner/ex-partner is necessary and look forward to future legislative opportunities to take this forward.

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