



**Scottish Women's Convention Response to:**  
**Domestic Abuse Statutory Guidance Framework**  
**September 2021**

**Premise**

On 29th April the Domestic Abuse Act 2021 received Royal Assent. This consultation seeks views on draft domestic abuse statutory guidance which will support the implementation of the definition of domestic abuse at sections 1 to 3 of the Domestic Abuse Act. The key objectives of the guidance are to:

- provide clear information on what domestic abuse is in order to assist with its identification.
- provide guidance and support to frontline professionals, who have responsibilities for safeguarding and supporting victims of domestic abuse, for example through outlining relevant strategic and operational frameworks.
- improve the institutional response to domestic abuse by conveying best practice and standards for commissioning responses.

Although the guidance only extends to England and Wales since Scotland has its own legislation, the National Alliance of Women's Organisations (NAWO) asked that we make a submission to share the experiences and lessons being learned in Scotland.

**The Scottish Women's Convention (SWC)**

The Scottish Women's Convention (SWC) is funded to engage with women throughout Scotland in order that their views might influence public policy. The SWC uses the views of women to respond to a variety of parliamentary, governmental, and organisational consultation papers at both a Scottish and UK level.

The Scottish Women's Convention engages with women using numerous communication channels including roadshow events, thematic conferences, and regional contact groups. This submission provides the views of women and reflects their opinions and experiences in several key areas relevant to women's equality.

The SWC is currently engaging with women through digital roadshows, online surveys, asking women to comment by email and by telephoning those who want to talk. We are also using our wide network to ask women to collate views in their local communities and forward these to us on a regular basis. We are continuing to review innovative ways of engaging with women throughout Scotland using whichever medium is appropriate to them.

### **1. Are you responding as an individual or as an individual on behalf of, or as part of, an organisation?**

An individual on behalf of an organisation

### **2. If you are responding on behalf of or as part of an organisation, what is the type of organisation?**

Other

### **3. What is the name of the organisation?**

The Scottish Women's Convention

### **4. From the list below, where are you or your organisation based?**

National

### **5. Do you have any comments on Chapter 1 ('Objectives') in terms of content or clarity?**

Overall, we believe that these are strong objectives that clearly set out the key areas that need to be tackled in relation to domestic abuse. However, here are a few points that we feel could be made clearer.

Promote awareness

- We would agree that the introduction of a statutory definition of domestic abuse and recognising children as victims in their own right are necessary measures. However, to assign these measures to the objective of promoting awareness is a misrepresentation. To improve the clarity of the objectives, these measures should be given their own separate objective, pertaining to the need for a more precise delimitation of domestic abuse. In line with the first key objective, this will help to ensure there is less room for misinterpretation, or for invalidating experiences.
- Since the previously discussed measures do not pertain directly to promoting awareness, this objective needs to be explored further. It needs to be understood that a guidance document has limited use if it is inaccessible or there is insufficient effort put into proliferating it. It is vitally important that this document is used as a means to increase understanding and consciousness of domestic abuse among the general public beyond the spheres that would typically be informed. This will help more women experiencing domestic abuse to understand their experiences and come forward, as well helping people to look out for signs of abuse among their friends,

family, or colleagues. The guidance in the easy-read format is a very valuable resource for its target audience, however it might not be appropriate for everyone as it is quite basic and its overuse of quite exaggerated images may be read by some as deigning. It could be useful to have a document that is pitted somewhere between the easy-read and the full document (which is very long and may put some people off) to encourage more people to read it, and this could be promoted both online and in widely available pamphlets.

- It states ‘to put abuse at the top of everyone’s agenda’. This is clearly not realistic as an objective because there will always be groups and individuals whose work prioritises other issues besides abuse. While no one would ever ask for everyone to have abuse as their top priority, this lazy use of hyperbole is unhelpful. It would have been preferable to see a SMART objective that meaningfully engages with issues such as who needs to be made more aware, what level of awareness is required for individuals or groups in different contexts, and how promoting awareness could be targeted to different individuals or groups.

#### Tackle perpetrators

- While we definitely encourage all of the included proposals to extend the remit of offences, for the purposes of clarity, it would be beneficial to separate these out either with additional bullet points or with full stops. The inclusion of these additional offences is a huge step forward in acknowledging the different forms that domestic abuse takes and we believe it is important to highlight this landmark move from the onset of the document. Separating the new offences in this section would help to make the document more readable and would give more credence to each of the proposed new offences.

### **6. Do you have any comments on Chapter 2 (‘Understanding Domestic Abuse’) in terms of content or clarity?**

It is very positive to see acknowledgement of the intersectionality in terms of experiences of domestic abuse. We welcome that this guidance includes details of many factors that are often overlooked, and our only recommendation would be to ensure that there is due consideration of how multiple intersectional traits may further compound people’s experiences of domestic abuse.

It is vital that the government continues to emphasise the fact that women are disproportionately affected by domestic abuse.

- In Scotland, we have seen moves to make policy more gender neutral, but this disregards the systemic issue of violence against women and girls.
- Scotland has adopted the Equally Safe Strategy which promotes a collaborative approach involving the Scottish Government, COSLA and partners in the public, private and third sectors in order to prevent and eradicate violence against women and girls.

- Also, during the last parliament, The First Minister's Advisory Group on Human Rights Leadership recommended the adoption of CEDAW within a proposed new Human Rights Act of the Scottish Parliament.
- Concerns have been raised about how leaving the EU will impact on equalities legislation and the protection of women. The Scottish Parliament passed legislation to 'keep pace' with EU law in the UK Withdrawal from the European Union (Continuity) (Scotland) Act. This legislation allows Scottish Ministers to make laws to replicate the content of new EU law but cannot allow for amendment of certain statutes such as the Scotland Act or the Equality Act 2010.

We welcome the inclusion of details about teenage relationship abuse.

- There is sometimes a view that domestic abuse is a thing of the past, so it is important that this document highlights the continued prevalence and changing nature of domestic abuse among young people. The changing nature of dating through apps, the increasing pressures of social media, and hyper-sexualisation from a young age through exposure to porn mean that many young women and girls are extremely vulnerable to abuse.
- Especially during the lockdown, we have seen narratives emerge of the assumption that younger people can manage without the need for physical human contact because they can socialise through online and digital platforms. However, this is to a large extent their downfall as they feel unable to share their vulnerabilities and it is easier to hide the effects of domestic abuse online than it is in real life.

#### BME Communities

- Women from BME communities have highlighted that domestic abuse exists in many different forms that are not recognised as such in Scotland. For instance, FGM and honour-based violence enacted by family members other than a partner or ex-partner are not considered domestic abuse in Scotland. This means that women escaping these forms of violence are denied spaces in refuges or access to the support services they need because they do not meet the criteria.
- We have also heard from women that the differences in terms of living arrangements for older BME women can make them more prone to domestic abuse. Where many older white women live independently, more older women in BME communities live in households with their extended family. Groups supporting these women have told us that they experience disproportionate amounts of financial abuse, but also extreme isolation and other forms of abuse from younger family members.
- All of these examples demonstrate why it is vitally important that domestic abuse legislation and guidance is not limited to abuse from partners, ex-partners, or people living with the victim as broader familial networks can be involved in abusing someone in their own home. We are continuing to challenge this definition in Scotland and welcome its inclusion in this document.
- The groups we work with have alerted us to the challenges faced by women who have no recourse to public funds. Often women fleeing domestic abuse can only gain access to any type of support if they have children because social services have more

obligations to protect children, but this is unjust and women should be entitled to support in their own right.

- Having spoken to groups supporting BME women experiencing domestic abuse, we also know that there are particular challenges in these communities as often domestic abuse is not acknowledged for what it is. Cultural norms mean that many women struggle to accept the severity of abuse, especially if it is not physical, and this means they do not report it.
- We have also been told that many BME women may refrain from reporting abuse because they are scared of what others in their community will think and say. This is especially the case for women who may have moved here with their husband who may be fearful that speaking up will mean they are sent back home. The threat of having to leave their life, and maybe even having to leave their children behind, is enough to keep many women silenced.
- Since the introduction of the Domestic Abuse (Scotland) Bill 2018, we know that there have been funding issues for groups supporting BME women in particular. They have explained to us that where they would previously apply for funding from lottery grants, for example, now the legislation puts the responsibility for domestic abuse support onto the government, they have been denied funding for their specialised services. This leaves notable gaps in service provision and little opportunity for those in BME communities to rectify the situation.
- In Scotland, we know there are also more general issues about a disproportionate lack of groups specifically supporting BME women experiencing domestic abuse. We believe it is important that groups representing all communities are engaged and encouraged to play an active part in ongoing consultations to improve guidance and services relating to domestic abuse.

Specific consideration needs to be given to the experiences of women experiencing domestic abuse in rural areas.

- Being more physically isolated can mean that they are less likely to have anyone notice the difficulties they are experiencing.
- Often support services are not as well-funded or accessible in these areas. Women may have to travel long distances to access the services they need, and this is unlikely to be feasible if their abuser is controlling their whereabouts.
- Sometimes the nature of rural communities can mean that women may be less likely to speak up. Women in rural communities have reported that there is often a belief that issues such as domestic abuse and the mental health issues that come with it are exclusive to 'incomers' to the community. For this reason, women may fear not being believed or being ostracised from the community if they mention anything. There can also be more traditional or rigid hierarchical structures in rural communities and women have noted the difficulty of "calling out" the behaviour of "upstanding members of the community" and how doing so results in women being tarred as "troublemakers".
- One woman we heard from who experienced domestic abuse lived down a 10 mile single track road, with a new born baby and no other women or services nearby for

support. There was a period of time when they only had one car that her partner used for work during the day, so she was unable to get out or see anyone. Also, she found that her main source of contact with her family was over the phone and so she never felt she could really share what was going on.

## **7. Do you have any comments on Chapter 3 ('Impact on Victims') in terms of content or clarity?**

More needs to be done to raise public awareness and understanding of what a court's verdict on a domestic abuse case actually means.

- Due to the covert nature of domestic abuse and the lack of corroborating evidence compared with other crimes, we know there are a disproportionate amount of failed convictions. While many people working in this area are aware of this, it is not so widely understood among the wider public. The result of this for survivors of domestic abuse can be that they feel isolated, misunderstood, ashamed and invalidated when friends, family or colleagues may interpret a lack of successful prosecution as them having lied about or exaggerated their experience.

From our joint work with the Health and Social Care Alliance Scotland, we know that there are links between domestic abuse and gambling that are largely overlooked and need to be considered alongside other addictions.

- Many women, especially those experiencing financial abuse, turn to gambling to try to gain enough money to be able to leave their abuser.
- However, as we know, the nature of gambling means that those partaking ultimately lose out, and this can be yet another grounds on which an abuser can ridicule or punish their victim. One woman explained, "I knew I was using it as a crutch to get through my bad relationship... and my partner would laud it over me".
- Moreover, many women turn to gambling as a means of escape while they are being abused. Forms of gambling such as bingo or online games are advertised as being very social which makes them appealing to women who are being isolated by an abuser, and the thrill of winning can provide a temporary boost to their self-esteem. However, many of these women are then stuck with a gambling addiction even after they are able to leave their abuse, and this can make it very hard to rebuild their life.
- There needs to be more specialised support for women in this situation and it should be treated with the same seriousness as other addictions.

## **8. Do you have any comments on Chapter 4 ('Agency Response to Domestic Abuse') in terms of content or clarity?**

Support services and refuges

- During the pandemic, we have heard reports of women survivors of domestic abuse being relocated to care homes because there are no spaces in women's refuges. Being housed with men, especially men who may have conditions such as dementia that

mean they cannot control their actions, is highly retraumatising for women escaping abuse at the hands of men.

#### Police response

- Due to the nature of domestic abuse and the effect it has on a survivor's self-esteem, they are already likely to blame themselves. More needs to be done to ensure that victims are not made to feel that it is their fault.
  - Women report feeling like they are on trial. Survivors are often struggling to fully comprehend what they have been through themselves, and it can be very damaging to their mental health if they feel they are not being believed.
  - Although rare, examples of women being prosecuted for false allegations of rape or domestic abuse are a serious concern for women going through the process of reporting domestic abuse. The fearful and anxious mindset many women develop during abuse can make them more prone to irrational fear and catastrophising. Police officers dealing with survivors should be more aware of this concern and do more to reassure survivors that they are safe and are not going to be accused for something that is not their fault.
- Since control is such a prevalent part of domestic abuse, it is important that survivors are supported to feel that they are regaining control of their own life when they leave the situation.
  - In Scotland, women are given significantly less autonomy around whether they report their abuse. One woman explained "I just went into the police station because my friend told me I could get a marker put on my address. Even though I told them I didn't want to report anything, the woman on the desk told me that now she had heard about something happening, she had to get a statement from me. I was kept in the station for more than twelve hours and wasn't allowed to leave until I told them everything."
  - While police services obviously run to certain schedules, it is vital that survivors are consulted about how and when they are contacted in relation to their case. For instance, one woman told us about how she received an unscheduled visit from the police with follow up questions on her statement at 7.30 on a Monday morning just as she was getting ready to go out to work. "It felt like they were trying to catch me out, catch me off guard. I'd been starting to get back to normal, but I couldn't go into work after that because it brought everything back and I felt so off-balance." There are also issues when survivors receive phone-calls out of the blue.
  - It is also important that survivors are kept informed about the progression of their case throughout the process. Many women report going months without hearing anything, and cases can drag on for multiple years. Having had the courage to leave domestic abuse, survivors deserve the right to start their life afresh, but often the anxiety of an ongoing investigation where they are kept out of the loop means that women feel their life is put on hold.
  - Survivors of domestic abuse can struggle to assert themselves due to the lack of control they have had over their lives, and often have people-pleasing

tendencies so will pacify and make adjustments for others, especially people they see as more powerful. Police officers and inspectors need to remain mindful of this and, if anything, be overcautious about how their actions might affect a survivor of domestic abuse.

- Reporting domestic abuse is a traumatic experience in and of itself, and more needs to be done to ensure it is as gentle and compassionate as possible.
  - The woman mentioned above who spent more than twelve hours in a police station, also shared that she was not offered any food or drink during that time. Furthermore, when she was left unattended in an interview room for more than two hours and therefore tried to sleep, an officer came in and shouted at her, saying she had to sit upright otherwise he thought she was dead. Having been nearly killed by her partner, this thought obviously scared her, and being reprimanded by a man echoed the abusive dynamic at home.

## **9. Do you have any comments on Chapter 5 ('Working Together to Tackle Domestic Abuse') in terms of content or clarity?**

Pharmacies are a key service where more could be done to support victims of domestic abuse.

- Women who are experiencing sexual abuse often rely on pharmacies for emergency contraception or, more generally, they are used by victims of abuse as a means of bypassing doctors to get any medical help for their injuries without it being recorded in the same way.
- One woman explained how she had gone to different pharmacies and given different names because she was ashamed and did not want her local pharmacy to suspect a pattern. When she finally escaped her abuser and was going through the police process, she was asked to give details of all the pharmacies and her testimony was discredited by the police when they were unable to find matching reports for her at the pharmacies, even though she had explained what happened.
- More could be done to explain and demonstrate to women that they have autonomy over their bodies (e.g. that they are allowed to tell a chemist they have been raped without it automatically leading to them having to report it).

We need to think more about how workplaces can be more attentive to those experiencing domestic abuse.

- It is important to recognise that one of the key strategies of abusers is to isolate their victim and the impacts of this on a victim's life more broadly should not be underestimated. Many women experiencing domestic abuse or survivors may have lost their supportive networks around them so work may be the only place where they see other people. This makes it vitally important that there is vigilance in the workplace of people who may be struggling.
- More needs to be done to rollout workplaces offering paid leave to enable people to leave abusive relationships. Workplaces need to ensure that sufficient time is granted and that workers taking up this offer know there are no repercussions for them (e.g. being reassured they will not be sacked for having taken too much leave, or not being offered as many shifts in future because they are deemed to be 'unreliable').

- While many trade unions already offer training for their representatives on identifying domestic abuse and supporting survivors at work, it should be compulsory, for instance, that all workplaces have at least one fully trained person per x number of workers.
- Some people experiencing domestic abuse may also work with their partner. There needs to be sufficient guidance and training on how this delicate situation should be handled, especially where there may also be an inherent power dynamic in the workplace (e.g. the abuser at home is also the victim's manager and therefore other colleagues may be scared of speaking up).
- We know that there has been a huge increase in domestic abuse as a result of the lockdown because victims have been unable to leave their homes. However, coming out of the pandemic we are seeing that many workplaces are continuing to operate working from home or hybrid models of working. This is a great cause for concern in relation to women experiencing domestic abuse as going to a workplace outside the home may be their only respite. Managers supervising anyone working from home should be given special training on how to look out for the signs of domestic abuse, and more comprehensive guidelines need to be in place in terms of thorough health and safety assessments to ensure workers are not at risk of injury or abuse while working from home.

## **10. Do you have any comments on Chapter 6 ('Commissioning Response to Domestic Abuse') in terms of content or clarity?**

A clear commitment to and understanding of the PSED is a vital part of any guidance on domestic abuse.

- In Scotland, there have been recent examples where domestic abuse services have been put out to general tender and have been made gender neutral, for example in North Lanarkshire. These have been very contentious, and we have heard from many women that they feel this is tantamount to an erosion of women's hard-fought rights. Acknowledgement that services do need to be separated is an important part of ensuring that survivors are supported safely and respectfully.
- Also it is very important that there is consistency in terms of services across different council areas. From the groups that we work with, we understand that there are great discrepancies across Scotland in terms of the way that domestic abuse services are run and funded. While a localised approach is sometimes necessary to adapt to certain localised contexts, it is important that there is overarching guidance, accountability and enforcement to ensure that people are treated fairly regardless of where they live.

**12. Do you think the case studies are helpful? If there are any case studies which you did not find helpful, please provide additional comments ensuring you refer to the case study to which your comment relates.**

Yes, the case studies are very useful in giving real world, tangible examples of how domestic abuse can play out. Often guidance can seem very abstract and dispassionate which can make it hard for people to translate into their own lives or can become disengaging. Moreover, the way in which the case studies explore different layers of vulnerability and protected characteristics presents a more realistic reflection of people's lives compared with other equalities assessments which often view individual protected characteristics in isolation.

Our organisation is dedicated to listening to women's lived experiences and we believe there is great value in hearing real life stories. As long as work has been done to effectively engage real survivors to share their experiences, a range of views are represented, and there is an ongoing process to ensure that case studies are kept up-to-date, we welcome the use of case studies.

**13. Is there anything missing in the guidance that you would like to see included?**

Here are some campaigns in Scotland that we feel it is important you are aware of:

Survivor campaigns: "Speak Out Survivors" - Child sex abuse survivors are campaigning to remove the need for corroboration. One woman was told that if her abuse had happened in England she would have got to court but could not in Scotland because of the requirement for corroboration.

Not Proven Campaign: Miss M had to go through a criminal trial for rape in 2015 which resulted in a Not Proven verdict. She brought a civil case - the first successful civil damages case of this kind in Scotland. Since then, she has devoted so much of her time to improve the system for other people and remove the Not Proven verdict.

## Conclusion

The SWC is grateful to have been asked by NAWO to respond to the UK Government's consultation on the Domestic Abuse Statutory Guidance Framework. We hope that the experiences of women in Scotland can help to inform decision-making elsewhere in the UK. As an organisation, we will continue to work with women from across Scotland to gather voices and experiences relating to such legislation and the effect of this on women's equality.

For further information, please contact

The Scottish Women's Convention

Email – [info@scottishwomensconvention.org](mailto:info@scottishwomensconvention.org)

Telephone – 0141 339 4797

[www.scottishwomensconvention.org](http://www.scottishwomensconvention.org)

The Scottish Women's Convention engages with women using numerous communication channels including Roadshow events, Thematic Conferences and regional contact groups. This submission paper provides the views of women and reflects their opinions and experiences in a number of key areas relevant to women's equality.

Scottish Women's Convention is a charitable company limited by guarantee. Registered in Scotland No. SC0327308. Registered office 2nd Floor, The Albany Centre, 44 Ashley Street Glasgow G3 6DS.

The Scottish Women's Convention is a Charity registered in Scotland No. SC039852.