
Report To:	Education and Communities Committee	Date:	7 May 2019
Report By:	Corporate Director Education, Communities & Organisational Development	Report No:	EDUCOM/39/19/HS
Contact Officer:	Hugh Scott	Contact No:	01475 715459
Subject:	Domestic Abuse (Scotland) Act 2018		

1.0 PURPOSE

- 1.1 The purpose of this report is to the Committee on the Domestic Abuse (Scotland) Act 2018 and resulting changes to Criminal Law for perpetrators of Domestic Abuse in Scotland from 1 April 2019.

2.0 SUMMARY

- 2.1 The Scottish Government's 2015 consultation 'A Criminal Offence of Domestic Abuse' found strong agreement that the previous laws used to prosecute Domestic Abuse did not fully reflect the experience of victims of Domestic Abuse. In particular, previous laws did not criminalise some of the behaviours experienced by victims of ongoing and coercive controlling behaviour within relationships, at the hands of their partners or ex-partners. The Bill was passed by the Scottish Parliament on 1 February 2018 and received Royal Assent on 9 March 2018 as the Domestic Abuse (Scotland) Act 2018, with an implementation date of 1 April 2019.
- 2.2 Domestic Abuse consists of a range of behaviours causing more than physical or sexual harm, including behaviours which undermine the victim and restrict their freedom. The Domestic Abuse (Scotland) Act 2018 reflects this and introduces a new offence, known as Coercive Controlling Behaviour, which better reflects the actual experience of victims of Domestic Abuse and the long term pattern of abusive behaviour. It is recognised that Coercive Controlling Behaviour has a long lasting effect on both the adult victim and children. The offence allows, where the circumstances and evidence merits, the totality of an accused's behaviour to be prosecuted in a single charge rather than a series of distinct incidents. This approach recognises the cumulative impact of such behaviour on victims.

3.0 RECOMMENDATIONS

- 3.1 The Committee is asked to note the introduction of the Domestic Abuse (Scotland) Act 2018, which came into force on 1 April 2019.

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4.0 BACKGROUND

- 4.1 The Domestic Abuse (Scotland) Act 2018 creates an offence with respect to a course of behaviour which is abusive towards that person's partner or ex-partner. The new law covers not only spouses, civil partners and cohabitants but also people in intimate personal relationships who do not live together. As well as physical abuse, it will cover other forms of psychological abuse and coercive and controlling behaviour that cannot be easily prosecuted under the existing law. The Act provides a description as to what constitutes abusive behaviour.
- 4.2 The new offence provides clarity on the law and ensures that criminal law captures and reflects the actual experience of victims of Domestic Abuse. This will make it easier for the Police and Prosecutors to investigate and prosecute as a single offence the totality of behaviour amounting to Domestic Abuse. This will send a message out to the public, including perpetrators, that this behaviour is unacceptable in society and will not be tolerated.

5.0 IMPLEMENTATION

- 5.1 In preparation for the legislative changes a large-scale training programme is being delivered to Police Scotland by SafeLives which will see all Police Officers in Scotland receive the Domestic Abuse Matters training. Initial e-learning for all Police Officers has been undertaken in advance of the implementation of the Act and this training will be further enhanced by the specific training events which commenced in January 2019 and will continue for an 18 month period.
- 5.2 Inverclyde Council will incorporate the implications of the new Act into the Violence Against Women Strategy Action Plan and will include this in the ongoing Violence Against Women courses.

6.0 IMPLICATIONS

6.1 Finance

There are no financial implications.

Cost Centre	Budget Heading	Budget Years	Proposed Spend this Report £000	Virement From	Other Comments
N/A					

Annually Recurring Costs/(savings)

Cost Centre	Budget Heading	With effect from	Annual net impact £000	Virement From	Other Comments
N/A					

6.2 Legal

There are no legal implications.

6.3 Human Resources

This report does not impact on Human Resources.

6.4 Equalities

Has an Equality Impact Assessment been carried out?

X

YES (see attached appendix)

NO - This report does not introduce a new policy, function or strategy or recommend a substantive change to an existing policy, function or strategy. Therefore, no Equality Impact Assessment is required.

6.5 Repopulation

None

7.0 CONSULTATIONS

7.1 None.

8.0 BACKGROUND PAPERS

8.1 There are no background papers.