



preventing violence against
women

action across the Scottish Executive



SCOTTISH EXECUTIVE

Making it work together

PREVENTING VIOLENCE AGAINST WOMEN ACTION ACROSS THE SCOTTISH EXECUTIVE

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FOREWORD



Violence against women is a serious crime and has a high cost in terms of women's ability to participate as full and equal members of society. The fear of violence undermines the confidence of women even if they have not experienced it personally. With the advent of our own Parliament in July 1999 we in the Scottish Executive now have an opportunity, indeed a responsibility, to work towards a society in which violence is no longer tolerated. The protection of women and children from all forms of violence is therefore one of our highest priorities.

It is a complex and wide-ranging issue encompassing many areas of Government policy making. It also involves a number of statutory and voluntary sector agencies. We all need to work together but the Executive recognises and accepts its responsibility to take the lead. This Action Plan provides comprehensive information about violence against women and how it is being tackled. It builds on the first Action Plan published in November 1998 and takes account of the comments we received on it. It is not an end in itself but a step along the way. We will continue to move forward and to take whatever action is necessary to achieve our ultimate aim; to create a climate in Scotland in which violence is not tolerated.

A handwritten signature in black ink, appearing to read 'JMBaillie', written in a cursive style.

Jackie Baillie
Minister for Social Justice

INTRODUCTION

1.1 The Commitment

All forms of violence are unacceptable as a means of dealing with personal conflict or problems. The Scottish Executive is committed to tackling the problem of violence in society whatever its cause or manifestation and to supporting all victims of crime through the Scottish Strategy for Victims. However, it recognises that many groups experience disproportionate levels of violence and this must be challenged and addressed wherever it occurs as a fundamental violation of human rights. In tackling such violence it is always necessary to take account of the specific needs of particular groups and to ensure that any provision which is made is relevant and appropriate. As part of that commitment, this document sets out action to be taken across the Scottish Executive to tackle the particular problem of violence against women

1.2 Scottish Strategy on Violence against Women – an International Priority

The 4th UN World Conference on Women in Beijing in September 1995 highlighted violence against women as a priority area for action by member states. An Action Plan in response to that priority was prepared by The Scottish Office and issued as a consultative document in November 1998. Some 49 detailed and useful responses were received, including responses from many of those most directly involved with the problem. The Scottish Executive has been able to draw on these views in this updated Action Plan, which reports on progress since the consultation as well as setting out a programme of action still to be taken.

1.3 A Wide Ranging Issue

The prevention of violence against women impinges on the responsibilities of a range of public and private sector bodies. Within the Scottish Executive it spans the responsibilities of the Justice, Health, Education, Development and Enterprise and Lifelong Learning Departments. The Crown Office and Procurator Fiscal Service and Scottish Court's Group are also involved in service delivery. Action for the Scottish Executive is co-ordinated in the Crime Prevention Unit of the Justice Department. The police, local authorities, the NHS, the Health Education Board for Scotland, housing associations and statutory agencies such as Scottish Homes together with the voluntary sector, all have a part to play, while the legal profession has an important functional role. The strategy seeks to identify these roles so as to inform and improve working partnerships amongst the various departments and agencies.

DEFINITION OF “VIOLENCE AGAINST WOMEN”

There are many possible definitions of violence against women. The one that follows is based on that adopted by the UN General Assembly:

- The term ‘violence against women’ means any act of violence by men that results in or is likely to result in physical, sexual or psychological harm or suffering to women, including threats of such acts, coercion or arbitrary deprivations of liberty, whether occurring in public or private life.
- This includes physical, sexual and psychological violence occurring in the family, including where such violence is inflicted upon children and young people in the household, culturally related violence, marital rape, female genital mutilation and other traditional practices harmful to women, and violence related to exploitation.
- It also includes physical, sexual and psychological violence occurring within the general community, including rape, sexual abuse, sexual harassment and intimidation at work and elsewhere, trafficking in women and forced prostitution.

Violence against women as defined above reflects an imbalance of power between men and women and also more general gender inequalities. Such abuse cannot be eradicated until there is an equal balance between men and women in society and relationships.

PURPOSE PRINCIPLES AND OBJECTIVES

3.1 Purpose

The long-term aim of the strategy set out in this Action Plan is:

To create a safe environment for women at home and in society by taking all practical measures towards the elimination of all forms of violence against women; to empower women to challenge and deal with abusive behaviour; to force men to challenge their own and other men's behaviour and to lay responsibility for violence firmly at the door of the perpetrator.

3.2 Key Principles

Women have the right to be free of violence or the threat of violence in all aspects of their daily lives. For practical purposes this means:

- In the home
- In all other forms of residential setting, eg hospital, prison or long-term care;
- In public places (including buildings open to the public);
- In places of education, training or work;
- While travelling from one place to another.

The right to personal safety is the main principle underlying this Action Plan. There should be no prohibited or "no go" areas for women just because of their gender. This right is linked to attitudinal and interpersonal rights for women, such as respect in their roles as citizens – in public life, in personal relationships, and as portrayed by the media.

3.3 Objectives

The Objectives of the Plan are

Prevention

- To prevent, remove or diminish the risk of violence by various means, ranging from promoting change in social attitudes, to creating physical and other barriers to the commission of violent acts.

Protection

- To protect victims and potential victims from repeat victimisation or harassment by perpetrators.

Provision

- To provide adequate services to deal with the consequences of violence against women and to help women rebuild their lives.

3.4 Effect on Children

The Plan recognises the impact of violence against women on their children, particularly in cases of domestic abuse, and seeks to prevent, protect against and provide for the consequences of such violence on children.

3.5 Interrelation of Objectives

Violence against women can take place in almost any setting or context. Where the violent act takes place will affect the likelihood of it being reported, the nature of the response and who can offer both short and long-term solutions. Finding effective solutions to the problem of violence against women involves looking in detail at how problems and solutions work in different circumstances. Other circumstances need to be considered as well, such as multiple discrimination (where victims are black or ethnic minority women, for example, or disabled, homeless, or older women, lesbians, or prostitutes). Sometimes the need may be to reduce the fear as much as the actuality of crime, harassment and intimidation. The main approaches – prevention, protection and provision – directly complement and enhance each other. Many of the proposals in the following parts of the Plan therefore include some elements of each approach.

3.6 Domestic Abuse

While all violence against women is to be deplored, and this Plan does not distinguish the importance of one type as opposed to another, there are issues in domestic abuse which require special consideration. That is why Chapter 8 is devoted to domestic abuse and special issues of prevention, protection and provision, which arise in relation to that particular problem. However much of what is discussed in the other sections is also relevant to domestic abuse.

3.7 Older Women

Many older people fear housebreaking and mugging crime and violence and this can have a psychological and social impact on their lifestyles, particularly for older people living on their own. As a result, older people can, especially at night, be afraid to go out or to answer the door, leading to a sense of isolation. Reducing older people's fears of violence and harassment through community safety measures is one way forward. But education, advice about personal and property security precautions, support for older people in keeping safe and a recognition of the impact which violence can have on older people is also important.

There are particular issues for older women in relation to long standing domestic abuse and the role of health and social care professionals and the police is important in recognising and responding to this.

Abuse of the elderly can include; physical, emotional, financial, or sexual abuse and neglect. While it is not gender specific, there is a gender dimension in that there are many more women than men in the age groups over 75. Advocacy services, such as Age Concern Scotland and Alzheimer's Scotland Action on Dementia, offer one to one support and help to older people experiencing or concerned about abuse of any kind.

There is a need for accurate information on the extent to which women are subjected to all forms of violence and abusive behaviour. With the very broad definition of violence against women which we have adopted, different ways of gathering statistics must be used to obtain a complete picture of the extent to which women are victimised in Scotland. Official statistics may be supplemented by information gathered by voluntary organisations such as Scottish Women's Aid and Rape Crisis Centres.

4.1 Scottish Crime Survey

The Scottish Crime Survey (SCS) provides information about the incidence of violence against women in two main ways.

Firstly, face-to-face interviews (which are conducted with a sample of around 5,000 adults aged 16 and over collect information from all respondents on their experience of violent incidents over the previous calendar year. Respondents are encouraged to report *all* violent incidents, even if the perpetrators are people that they knew well or lived with and including crimes not reported to or recorded by the police. All respondents are asked not only about violence but also about threats of damage to property and threats of violence or physical force that had cause to frighten them. For each incident reported, the interviewer takes the victim through a detailed victim form which collects further details of the incident, e.g. where it took place, if the victim was injured, what their relationship was with the perpetrator, etc. Although, like any other survey, the SCS can collect only limited information, all incidents reported to the survey can be disaggregated by the gender of the victim and it is possible to differentiate between incidents involving partners and ex-partners (as well as other household members and other relationships). It should be borne in mind, however, that the numbers of people in the survey who experienced domestic abuse is small. For example, 379 people *ever* experienced domestic abuse.

Additionally, in the 1996 SCS, a new set of questions specifically on *domestic* violence (force and threats; the survey did not ask about other forms of domestic abuse) were asked of respondents aged 16-59 in a self-completion questionnaire. This aimed to increase reporting rates by not requiring people to speak out loud about their experiences. In contrast to the main questionnaire, the self-completion questionnaire was only concerned with current or previous partners (not other household members) and asked respondents to report incidents of domestic violence both in the last twelve months and 'ever'. This self-completion element was repeated in the 2000 sweep of the SCS. Self-completion questionnaires were obtained from around 3,000 adults in both sweeps of the survey.

The 2000 survey found that 6% of women and 3% of men reported being the victim of *either* threats *or* force by their partner during 1999, while 4% of women and 2% of men reported having been the victim of *both* threats and force over the same time frame. There has been no significant change in these results since the 1996 survey. In 2000, 19% (292) of women and 8% (89) of men reported that they had experienced either threats or force from a partner at some time in their lives.

Both the 1996 and 2000 Surveys found that violent crime in Scotland was relatively rare (approximately 3% of respondents had experienced a violent incident). However, in terms of the type of violence experienced in 1995, 30% of incidents against women were domestic, compared with only 3% of incidents against men. In 2000 a domestic violence 'screener' question was introduced to encourage people to report such incidents in the main survey. This appears to have greatly increased the proportion of violent incidents described as 'domestic' reported to the survey, and reduced the proportion described as violence by 'acquaintances' or 'strangers'. Two-thirds (66%) of all violent incidents against women in the 2000 survey were described as domestic and 6% of incidents against men. Violence by an acquaintance accounted for 21% of incidents against women in 1999 (39% in 1995), and mugging and attack by strangers 13% in 2000 (31% in 1995).

The 2000 SCS self-completion element also introduced several new questions which shed more light on the nature and impact of domestic violence. Half of all victims of threats or force in the previous 12 months (50%), reported that at the time of the incident(s) the perpetrator was a current husband/wife/partner and in 25% of cases it was an ex-husband/wife/partner. The remainder were described as current or ex-boyfriends/girlfriends.

Eighteen percent of victims of threats or force, when asked if the perpetrator was living with them at the time of the incident, did not provide details. Of those that did give details, 65% reported that the person responsible had been living with them at the time they were victimised. However, when asked about whether the perpetrator was still living with them at the time of completing the questionnaire, only 32% stated that they were still living with the perpetrator. Although numbers are small, this seems to suggest that whilst at the time of the survey many victims of domestic violence were still in a relationship with the perpetrator, more were not.

New questions in the 2000 survey on the involvement of drugs and alcohol in domestic abuse reveal that 62% of victims of threats or force in the last 12 months, said that the perpetrator had been drinking alcohol. A third of victims (32%) said that the perpetrator had taken drugs. In 27% of cases it was reported that the perpetrator had used both alcohol and drugs on occasions when threats or force were used.

Finally, the 2000 survey asked those who had experienced threats or force from a partner in the last year whether children had seen or heard any of these incidents taking place. In households with children, 57% of respondents reported that the children had been aware of such incidents.

4.2 Sexual Crimes

The Scottish Crime Survey is not an accurate tool for covering sexual crimes because of the recognised degree of under-reporting. However there has been an 81% increase in crimes of rape recorded by the police over the last decade. Police forces have taken measures in recent years – such as the establishment of Female and Child Units – which may have increased the confidence of victims in reporting sexual crimes.

The Scottish Executive will continue to collect statistical information on the victimisation of women through the Scottish Crime Survey and other surveys and research, and will seek to improve and extend the information currently available.

4.3 Homelessness Statistics

Violent disputes with partners are a significant cause of homelessness, accounting for 12% of all households assessed by local authorities as being homeless or threatened with being homeless. The gender of the applicants is not recorded in these cases. The Homelessness Task Force set up by the Executive in 1999 has agreed that the collection of statistics by the Executive should be changed, to better reflect the reasons why people are homeless, and to get better insight into who is becoming homeless and why.

The Task Force had a wide-ranging discussion of the issues surrounding family homelessness and family breakdown, including domestic abuse at a meeting in August 2000 and the group's final report will include recommendations on how homelessness provision in this area could be improved. In its final report, due in November 2001, the Task Force will make recommendations to improve homelessness provision for those suffering family breakdown, particularly through domestic abuse.

4.4 Research

Research studies should supplement the information collected regularly on recorded crime, on incidents of domestic violence reported to the police, and that provided through the Scottish Crime Survey.

The Scottish Executive Justice Department, through the Legal Studies Research Programme, has commissioned research into Scottish child contact centres. Contact centres are neutral, venues which exist to promote and support regular contact between parents and children who no longer live together. Centres are run by a variety of voluntary organisations (predominantly Family Mediation and WRVS) and are staffed by a mix of paid and voluntary workers. Research has been undertaken to collect basic demographic information on families using contact centres. The research is due to be published in the autumn and shows that in about a fifth of all families using them, there was an allegation of domestic abuse. Predominantly the father was alleged to have abused the mother. Further research is currently on-going examining in detail the expectations and experiences of families using contact centres and referrers and associated professionals.

4.5 Domestic Abuse Incidents Recorded by the Police

The gathering of information has been aided by the work of the Scottish Criminal Statistics Committee. A Scottish Criminal Statistics Committee Working Group, involving ACPOS and nominated representatives agreed a common definition of domestic abuse to be used operationally by the police in recording incidents reported to the police. In addition, police forces implemented a statistical collection on all incidents satisfying this definition with effect from 1 April 1999. The agreed definition is:

“Domestic abuse is any form of physical, non-physical, or sexual abuse which takes place within the context of a close relationship, committed either in the home or elsewhere. In most cases this relationship will be between partners (married, co-habiting or otherwise) or ex-partners”

The definition used operationally by the police does not explicitly include a statement that children may witness and be subjected to domestic abuse but this is recognised in practice.

The definition requires that the information on domestic abuse recorded by the police will relate to those instances involving adult couples in a ‘close relationship’ as defined. It does not include inter-generational violence (e.g. father and adult son) or other familial violence (e.g. uncle and adult niece). The couples can, of course, be heterosexual or homosexual and the victim male or female.

Domestic abuse is not constrained to those instances, which take place in the home. The 'domestic' nature refers to the type of relationship between victim and accused rather than the location of the incident. Thus, acts of violence involving adults in a close relationship which take place, for example, in a pub or park would be recorded.

The core information requirements for the collection are as follows

- Police force area
- Council area
- Locus (distinguishing home from elsewhere)
- Victim and/or accused details:
 - Sex of victim
 - Age of victim
 - Sex of accused
 - Age of accused
 - Relationship of accused to victim. *For example, husband, partner, co-habitee, ex-partner*
 - Previous incident recorded involving the same victim and accused *
 - No crime recorded but incident logged elsewhere *
 - Classification of crime/offence recorded as detailed in SEJD classification list. *For example, serious assault (SEJD code 4/000), breach of the peace (SEJD code 47/002), etc.*
 - Police action taken. *For example, no further action, police warning, referral to domestic violence unit, referral to procurator fiscal, etc.*

Note: Information marked * is not available across all forces but is collected where available.

Statistics from the first returns of the collection, covering incidents recorded by the police between 1 April and 31 December 1999 were published by the Scottish Executive on 30 August 2000 in a Statistical Bulletin "Domestic Abuse recorded by the police in Scotland 1 April – 31 December 1999". The figures show that incidents of domestic abuse recorded by the police in this period represented 529 incidents per 100,000 population in Scotland.

The Scottish Executive will continue to publish statistics from future returns from this collection and efforts will be made to maximise consistency between police forces in recording this information.

PREVENTION

5.1 The Value of Prevention

Violence against women has a high cost in terms of women's ability to participate as full and equal members of society. The fear of violence undermines the confidence of women even if they have not experienced it personally. For those who have experienced violence, the costs may show in terms of their personal health and that of their dependent children; poverty; inability to fulfil personal potential; lower educational attainment by their children; and greater dependence on benefits and social intervention.

Prevention not only spares women from experiencing violence but also lowers the associated health costs in terms of injury and treatment. It reduces the potential damage to employment prospects and the disruption of social and family life. An effective prevention strategy will benefit not only women and children, but also the whole of society in terms of reducing the social cost of violence for families.

5.2 Strategies for Prevention

Preventive work, with young people must form a key part of any long-term strategy to tackle domestic abuse. Research in 1998 by the Zero Tolerance Trust found that about half of young men and a third of young women in Scotland believed that it was acceptable to strike a woman in certain circumstances or to force her to have sex. It is important to provide information for women to make positive choices. It is also important to change the attitudes of boys and girls as well as adults to violence against women through a personal development programme within the school curriculum and by targeted public awareness raising campaigns.

On a basic, practical level, prevention also means erecting barriers to violent acts through crime prevention measures such as physical security, personal alarms, CCTV and the like. There are also measures within the criminal justice system which seek to deliver both physical barriers to offending, through containment, and to prevent further offending through behavioural programmes for violent offenders.

The Report of the Expert Panel on Sex Offending, "Reducing the Risk: Improving the Response to Sex Offending" was published on 12 June 2001. It contains 73 wide-ranging recommendations, including a number focussing on prevention measures. (see paragraph 6.15)

5.3 Education

Any effective strategy must challenge the ideas and beliefs which underpin and legitimise violence against women. Whilst there is the beginnings of a consensus that such violence is unacceptable, wherever it takes place, much has still to be done to educate the public. The assumption made by many men that it is acceptable to coerce women in ways less obvious than violence also has to change. The aim is to achieve a new public and personal ethos in which violence against women is regarded as totally unacceptable and intolerable.

It is vital that this view should be endorsed and acted upon by Government, educational establishments, employers and other agencies adopting effective policies and practices to anticipate and counteract all forms of violence. Attempts to change public attitudes have to be both logical and comprehensive. It is essential that the boundaries of acceptable behaviour towards women are understood and that a public commitment to preventing violence against women is fully supported.

Everyone, young and old alike, should be expected to treat other people with respect and consideration. The adoption of new approaches to deal with potential conflict, frustration and anger without resorting to violence should be widely encouraged. It is also important that children gain an early understanding and appreciation of the diversity of men and women rather than being provided with limited and stereotyped images in the press, broadcasting and advertising media. Indifference to anti-social behaviour of any kind is a form of collusion by those involved which should be consistently challenged whenever it is encountered. A pathway to rediscovering a sense of community and a set of values to overcome the latent aggression in society are both needed.

5.4 The Role of Schools

Schools have a special responsibility, because young people at school are in the process of forming their attitudes about relationships and can be influenced by example and by the teaching they receive. **The Scottish Executive is working with the Zero Tolerance Charitable Trust to make its "Respect" package available to schools.** The Respect programme is designed to raise awareness among young people and challenge attitudes. The package includes a range of materials, training and resources both for young people and adults working with them. The pilot was launched by the Minister for Education and the Minister for Social Justice in a primary school and secondary school in Edinburgh and Glasgow and youth groups in both cities on 31 January 2001. **An evaluation of the Pilot was completed in July 2001 and following further consultation and revision, it will be rolled out to other schools in Scotland from the 2002 academic year.**

Health education together with guidance on personal and social development can help to reinforce socially acceptable attitudes and school discipline can reinforce these. The Health Education Board for Scotland also maintains an active agenda in this area. Any health education programme developed within schools on the subject of violence against women should be considered as part of an integrated and wider health education curriculum which includes issues of empowerment, self-esteem, conflict resolution, communication and general issues on sexuality.

It is important for schools to promote positive gender images so that pupils and members of staff are encouraged to work together to develop tolerance and mutual respect for one another in all male-female relations. The modelling of appropriate behaviour in schools will help to convey and reinforce the message to the outside communities.

The programme should be integrated into the curriculum via Personal and Social Education, Religious and Moral Education, History, English etc, with opportunities for single sex as well as mixed group work and peer education; it should be complemented by:

- Training for all relevant staff of women's and children's experiences of domestic abuse, including the potential impact of domestic abuse on the child's education;
- In-school/group resources to support children and young people experiencing domestic abuse; and
- Resources for young people to access outreach and drop-in support services.

The work should aim to:

- Outline the nature and extent of male violence against women and children;
- Challenge attitudes which condone abuse of women and children;
- Promote relationships of equality and respect between men and women, adults and children;
- Advocate non-violent conflict resolution;
- Challenge gender stereotyping and promote positive gender images;
- Provide information to children and young people about their rights; and
- Encourage feelings of self-esteem and confidence amongst children and young people.

5.5 Teacher Training

The revised Guidelines for Courses of Initial Teacher Education (ITE) with which all courses of teacher education must comply was issued by the former Scottish Office Education and Industry Department in November 1998. Courses are not prescriptive and each training institution develops their own programme. Section D of the guidelines contains a set of competences which teachers are expected to have acquired by the end of their initial training course.

Whilst not mentioned specifically, violence against women would be an issue related to personal and social development and health education. The relevant competences are:

- He or she must demonstrate a knowledge of, and the ability to play a part in, personal and social education, health education, education for sustainable development, enterprise and, when appropriate, vocational education;
- He or she must value and promote equality of opportunity and fairness and adopt non-discriminatory practices, in respect of age, disability, gender, race and religion.

While these competences do offer the scope to address the issue of violence against women, the breadth of primary and secondary ITE programmes limits the time available for detailed consideration of any one specific topic.

A set of benchmark statements which are the requirements of each programme of initial teacher education in Scotland will be introduced in Autumn 2002. This will be the Standard for Initial Teacher Education. These benchmarks will reflect the content and nature of the competences.

Schools and local authorities already offer a range of in-service training provision and a variety of development opportunities for teachers. **"A Teaching Profession for the 21st Century"** introduced an additional contractual 35 hours of continuing professional development (CPD) per annum for every teacher. **A Ministerial Strategy Committee, chaired by Jack McConnell, Minister for Education, has been established to develop and implement an integrated CPD framework and is charged with ensuring that the CPD strategy reflects national priorities for school education.** The framework will not dictate a definitive training programme but should enable teachers and schools to access a broader range of CPD opportunities. Training aimed at equipping teachers to deal with issues relating to violence against women should be recognised as one such appropriate opportunity.

One of the recommendations in the report by the Social Work Services Inspectorate for Scotland, published in 1997 and entitled **"A Commitment to Protect"** was that the (then) Scottish Office and local authorities should consider piloting projects specifically focused on developing relationship and parenting skills for boys and young men. In addition all education authorities are recommended to have in place Personal Safety Programmes designed to assist pupils to live safely and to feel empowered to reject inappropriate behaviour.

5.6 Awareness Raising Campaigns

It is also possible to influence the attitudes of teenagers and adults outwith formal or informal education. There is a place for campaigning to reduce and ultimately eradicate, the continuing acceptance by some of male violence against women. The Scottish Office ran a successful publicity campaign against domestic violence in 1994 and 1995. A second campaign began in December 1998 and another in 2000/2001 (see Chapter 8).

Awareness raising campaigns need to get the message across to women that they are not to blame and that they don't have to put up with it. They also need to teach violent men that their behaviour is unacceptable. Non-violent men can be allies in the struggle to reduce male violence against women by actively supporting these campaigns and exerting peer pressure.

The challenge for the Executive and others in future publicity campaigns will be to encourage men to influence their peer groups by regarding violence against women as totally unacceptable behaviour.

5.7 Community Safety Measures

Community safety essentially means reducing the circumstances and occasions in which a threat of violence or harassment can arise. Women themselves can take some responsibility for this but the main duties and responsibilities belong with the police, local authorities, transport providers, and other public and private sector agencies. Such measures can help prevent violence against women and harassment in a variety of settings. However, they are not applicable in all circumstances and are less helpful where the violence takes place in the home.

A successful prevention strategy will seek to ensure that women can take part in everyday life while feeling and being safe from violence or the threat of violence.

5.8 Community Safety Partnerships

The Scottish Executive is committed to tackling anti-social behaviour and crime. All 32 local councils have formed community safety partnerships. Most have developed local crime prevention/community safety strategies in partnership with the police and other local agencies. The partnerships are expected to set priorities for the reduction of crime and disorder and the improvement of community safety in their area and to implement them in Community Safety Action Plans. Within the Community Safety Partnerships' strategies domestic abuse has featured in the emerging Community Safety Action Plans.

Audit Scotland published a value for money study into community safety 'Safe and Sound' in May 2000. The study looks at how far community safety partnerships have progressed in Scotland, and the extent to which the Scottish Executive guidance has been implemented. It highlights good practice and recommends steps which partnerships should take to improve effectiveness. The findings and recommendations in this report were developed into self-assessment audit material for partnerships – published by Audit Scotland in November 2000 'Performance Measurement in Community Safety' – to assist them to review progress and identify those areas where improvements could be made.

The Scottish Executive published 'Threads of Success' on 7 November 2000. The Report provides an insight into the emerging shape of the community safety partnerships across Scotland and makes a number of local and national recommendations which should aid future progress. The Scottish Executive is currently in discussions with CoSLA and ACPOS on how best to progress the recommendations. The Executive has undertaken an audit to ascertain the progress of all the Partnerships' Strategies and Plans in Scotland.

The Scottish Executive is setting up a **Scottish Forum on Community Safety**. The Forum will be an integral part of a wider framework for the delivery of a more cohesive strategy which will ensure the participation of all the relevant Departments across the Executive, local councils, police and other key agencies. The Forum will be chaired by the Deputy Minister for Justice and its membership will be drawn from ACPOS, CoSLA, Children's Reporters Administration, Victim Support Scotland, Social Inclusion Partnerships and other key players in the field of community safety. The first meeting will be held in November 2001.

Community Safety Action Plans will include performance indicators on domestic abuse.

5.9 Personal Safety

Everybody can contribute to their personal safety by avoiding where possible locations that may be unsafe, such as dark, lonely places where assailants can hide or car parking in poorly lit areas. Women can increase their safety by going about in company, carrying personal alarms, ensuring that their whereabouts are known by friends and family and using safe means of transport. The necessary defensive action should also be taken to safeguard homes and cars against intruders and to protect personal belongings.

But the advisability of these measures does not shift responsibility onto the victim. Women have the same right of free movement as do men. Often women have no choice. They may be forced by their own or their partner's work to live in an isolated place; or to be out at anti-social hours. Part-time shift work and caring responsibilities such as for parents can result in women being out and about during the night and in lonely places and they may also be particularly dependant on public transport. Self-help does not therefore provide a full answer to women's safety.

5.10 The role of alcohol and drugs

The safety of both men and women can be increased by adherence to sensible drinking habits. The misuse of alcohol is a major risk factor associated with disease, unemployment, criminality, mental breakdown, and, because of its disinhibiting effect, can lead to violence. Episodic heavy drinking in particular often leads to violent behaviour in and out of the home. It is estimated that alcohol is involved in 40% of cases of violence against women. However, it is important that the use of alcohol is not seen to be an excuse for violence nor to be a root cause of abuse.

The Scottish Executive is fully committed to tackling alcohol misuse on a broad front. A new **Scottish Advisory Committee on Alcohol Misuse (SACAM)** was established in 1999 to advise Ministers on the development and implementation of a new national alcohol misuse strategy. The Committee's first Action Plan has identified 4 main areas where action will form the main planks of an effective strategy – information collection and dissemination; prevention and health promotion; service provision; and co-ordination.

The planning and provision of services for people with drinking problems (and their families and others indirectly affected) is carried out by Alcohol Misuse Co-ordinating Committees (AMCCs) in accordance with guidance issued by the former Scottish Home and Health Department. One of SACAM's key roles is to steer the development of new guidance and as a first step AMCCs are undertaking an inventory of current services to identify gaps in provision according to assessed local needs.

In December 2000 the Executive announced that a national Plan for Action on Alcohol Misuse would be developed following a wide-ranging consultation process. The consultation was launched in February and ran until the end of June. **The Executive expects to publish the Plan for Action by the end of 2001.** The Plan is likely to be broadly based and will need to cover prevention and education; effective and targeted treatment and support services to meet the needs of individuals and measures to protect individuals, families and communities from antisocial behaviour and criminal consequences of alcohol misuse.

The misuse of drugs is also associated with violence against women. And there is a high incidence of drugs and violence used as controlling and exploitative mechanisms by men profiting from prostitution. In the drugs strategy document, **Tackling Drugs in Scotland: Action in Partnership**, one of the action priorities in the 'Treatment' section is to 'provide a range of services to meet the assessed needs of drug misusers and their families including improved and appropriately targeted services for women'. The development of such services will be helpful in encouraging women drug misusers (or partners/relatives of drug misusers) to come forward for treatment/counselling which, in itself should assist in associated problems, such as a background of violence against the individual, being identified and addressed.

The allocation of £5 million over 2 years for Social Inclusion Partnerships was announced in September 2000, to work with Drug Action Teams (DATs) in tackling drug misuse in the community. This was in addition to the initial £2 million over 2 years made available in April 2000. Local authority social work and community care teams help families experiencing drug misuse and local authorities also support the work of voluntary organisations to help families in this predicament through Section 10 funding from the Executive. In January 2000 £1 million was announced for expanding drug misuse rehabilitation services. This will go towards providing support for a range of services for drug misusers and their families.

A £100 million package of new expenditure on drug misuse over 3 years was announced in September 2000, to supplement the significant amounts already being spent on tackling the problem. This spending package amounts to the biggest ever programme of anti-drugs initiatives seen in Scotland. As part of the Resources Pack issued to DATs at the time of the spending announcement, the planning framework indicated that priority should be given to improving services for women and pregnant drug misusers, including support for families.

The progress of Drug Action Teams in implementing the drugs strategy is monitored through an annual reporting framework. The Teams are required to complete templates which measure progress against the aims of the UK and Scottish Strategies. This enables the Executive to track progress on implementation, spot gaps in policy and provision and identify where resources can best be deployed.

As part of the Government commitment to tackling alcohol and drug misuse on a broad front in Scotland, gaps in provision for women victims of violence will be identified and appropriately targeted services provided. The Scottish Advisory Committee on Alcohol Misuse has identified provision of services as one of its main areas for consideration in the new national alcohol misuse strategy. And The National Strategy to Address Domestic Abuse in Scotland recognises the need for services for abused women using drugs and/or alcohol.

5.11 Police Role in Community Safety

The role of the police service is to identify problem areas through crime pattern analysis and to convey sound practical advice through publicity campaigns; distribution of awareness-raising material, such as The Scottish Office/Executive publications "Talking Sense", "A Secure and Safer Workplace" and "The Family Guide"; and the organisation of awareness-raising seminars at a community level.

"Secured by Design" is an initiative promoted by the police that encourages designers and developers to apply police recommendations for the security of a wide range of buildings and developments such as shopping centres. Advice is provided by the local police Crime Prevention Officer and Architectural Liaison Officer and staff from stores within each centre receive training on crime prevention and personal safety issues.

Through the Scottish Executive "Make Our Communities Safer" Challenge Competition, numerous towns and cities across Scotland now enjoy the benefits of CCTV in public places. As well as providing a valuable resource to the police – allowing them to respond quickly to situations and to use video evidence to aid detection and prosecution – its presence also reduces levels of crime. An important by-product of CCTV is the beneficial effect it has in reducing the collective fear of crime, particularly amongst women and the elderly.

There are schemes across police forces for supplying mobile phones to certain vulnerable people, whether for protecting women escaping violent partners or, in some instances, prostitutes. Generally these are capable of dialling only 999. Two forces reported contact problems, but work is continuing to resolve the issues surrounded what is regarded as good practice.

5.12 The Role of the Public and Private Sector

Public authorities and private agencies such as owners or landlords of car parks, stations or shopping centres can increase the safety of the public, particularly women, by the use of increased staffing, closed circuit television cameras, security staff, good area lighting and other crime prevention measures. Housing design also has a role to play. Best practice in crime prevention and community safety guiding the construction of houses and their environment to discourage crime and vandalism may also help to reduce external violence against women. Guidance on this topic was included in the circular "Housing and Crime Prevention" issued to all public sector landlords in January 1994.

5.13 Transport

Safety for women moving from one place to another should be considered as important as safety in the home and elsewhere. Women should have confidence that they can move around in safety whatever method of transport they choose. The Scottish Executive recognises that women's transport needs and travel patterns are different from those of men, and wants to ensure that women's priorities will be taken into account when developing transport policies. Research has shown that women express much higher levels of fear for their personal security, both on and waiting for public transport, and also in the use of car parks, particularly at night.

5.14 Integrated Transport Policy

The Government is committed to implementing its Integrated Transport Policy. The Transport (Scotland) Act 2001 reflects the linkages between transport, social inclusion, health, the environment and the economy and its policy objectives are to deliver a sustainable, effective and integrated transport system. The Act was intended to respond to problems associated with growing road traffic levels and the exclusion of those on low incomes. **In Autumn 2001 the Executive will publish its Transport Delivery Plan for Scotland which will identify the investment priorities across all transport modes and throughout Scotland.** Both the Act and the Plan build on the Scottish Integrated Transport White Paper "Travel Choices for Scotland", published in July 1998.

The White Paper and the Transport Delivery Plan recognise that unrestricted growth in car use is unsustainable, and therefore emphasise the importance of increasing the use of public transport and reducing car usage where possible. This can only be done realistically for many people, particularly women, if the perceptions of safety, quality, reliability and overall attractiveness of public transport are considerably improved. In any event many people in Scotland, particularly women in urban areas, are already dependent on public transport.

It is right that the safety of women on public transport must also be considered as part of a wider strategy towards reducing violence against women. Nearly all public transport journeys involve walking or cycling at one or both ends. Safety for women pedestrians and cyclists must also be properly considered as part of improving transport for women.

Scottish Integrated Transport White Paper and the Transport Delivery Plan acknowledge that the transport needs of women often differ from those of men. Although they make about the same number of journeys as men, their journeys are shorter on average and, in general, women walk and use public transport, especially buses, more than men. Men are more likely than women to have first call on the car in a one-car household. Because women often act as carers, many of their journeys are with children. Many women also have concerns about their personal security when travelling, particularly when on their own and at night.

The Scottish Executive will ensure that the continued development of the strategy for reducing violence against women considers how best to involve transport operators, local authorities and others in this process, building upon the good initiatives that are already in place. The Scottish Executive will also work to ensure that the particular transport needs of women are properly considered in developing transport initiatives by using a checklist of women's priorities.

Our vision for transport in Scotland will mean for women: a greater emphasis on integrated public transport, including more accessible buses, better information and safer interchanges; safer public transport; improvements in the quality of the pedestrian environment, eg, making it easier for women with children in prams or pushchairs to get about; land use policies to encourage local services, reducing the need to travel by car; women's transport needs being assessed in *Local and Joint Transport Strategies* and through auditing transport initiatives; and the development of *safer routes to school* initiatives.

The Local Transport Strategies produced by each of the Scottish Local Authorities were prepared with input from all Council Departments, and setting out the authority's plans and priorities for the development of an integrated transport policy within its area, designed to serve people in that authority in a way which is consistent with our overall sustainable development objectives. The Strategies focus on improvements in areas such as cycling and walking provision, bus and rail services, taxis, taking account of the particular transport needs of women, amongst other things.

5.15 **Women and Transport: Moving Forward.**

This research project was commissioned in August 1999 with the main aim of producing a set of guidance for central and local government transport policy makers to assist in gender auditing future transport policies. The Research was completed last year and the Report and Summary Findings were published and disseminated to those working in the field of transport and women's organisations.

The Research was commissioned to examine the existing transport system (including walking and cycling) in Scotland and assess how the system meets or fails to meet the needs of women. The project involved primary research, which included a major consultation exercise with relevant organisations and groups to obtain their views on women and transport; a national survey of individual women to establish women's needs with regard to transport; and focus groups in different geographical areas in Scotland to explore in more depth the relevant issues and to ascertain women's views on potential feasible improvements to transport provision. This included women's views and requirements on personal security and safety issues.

Our decision to commission the study, reflected the view that we need to gain a better understanding of the real issues of concern to women, a conclusion that is also borne out in the comments received as part of the wider consultative exercise. **The findings of the study will help the Executive to audit central government activities and provide a toll for local authorities to audit their own activities in the context of their evolving Local Transport Strategies.**

5.16 Women at Work

It is crucial for employers to create an atmosphere in which sexual harassment of any kind is not tolerated and is dealt with firmly and effectively. This provides a general background against which incidents leading to violence against women will be less likely. It must be part of equal opportunities and diversity policies and there should be guidance available to all staff making clear where responsibility lies for dealing with sexual harassment, how to report incidents and what procedures will be followed to investigate and address incidents. Both women and men, must be clear about the policy and where they should turn if they consider they are the target of sexual harassment.

It is also essential for employers and educational establishments to ensure that working conditions for women and girls are safe. Women are often employed in low status and low paid jobs and employers must ensure that health and safety requirements are satisfactorily upheld. Women may be reluctant to complain and may not be members of a trade union. Violence in the workplace should be addressed by the relevant professionals, eg safety of staff in A & E departments of general hospitals.

An example of good practice guidance is "Dignity at Work: Eliminating Bullying and Harassment in the Workplace" which was issued to NHS Scotland employers in January 2001. Employers progress towards meeting the principles and values of the guidance will be assessed as part of the new Staff Governance Standard. Also, Health at Work guidance is currently being developed for issue around spring 2002 and this will include a section on personal safety.

5.17 Scottish Executive Guidance on Sexual Harassment

Internally, The Scottish Executive has issued guidance to staff who may be being harassed. A Harassment Helpline was introduced in December 1993 It is staffed by skilled counsellors from the Counselling and Welfare Service who provide advice and counselling in complete confidentiality. The line is regularly used by Line Managers seeking advice and guidance on how to handle situations which have arisen and by staff who have felt they have been subjected to harassment. In addition to the helpline, members of staff can and do approach their Welfare Officer directly for advice and counselling.

The Scottish Executive policy on Equal Opportunities means that harassment of any kind will not be tolerated and where necessary will be treated as a disciplinary matter.

PROTECTION

Protection involves safeguarding potential victims from attack or harassment by perpetrators and ensuring future safety of those who have already been victims of crime. It may overlap with prevention in that it may include measures to prevent future contact between a victim and perpetrator to make them less vulnerable to attack.

Either criminal or civil remedies may be appropriate in cases of violence against women. In criminal proceedings the Lord Advocate brings a prosecution against a person accused of a crime. Civil remedies such as Non-Harassment Orders may also be an appropriate approach in certain circumstances.

6.1 Criminal Prosecutions

The Lord Advocate is responsible for the investigation and prosecution of all crime in Scotland. These responsibilities are exercised under his authority and on his behalf by Procurators Fiscal. The Procurator Fiscal has a duty to prosecute crime where there is sufficient evidence and where it is in the public interest to prosecute. Once a decision has been taken to prosecute a crime it is for the prosecutor to decide at what level of court the crime should be prosecuted: the higher the court, the greater the penalty available to the court on conviction of an accused.

Only the Lord Advocate can decide what charges to bring against any individual. For crimes of violence against women, including sexual crimes, a wide range of common law and statutory offences are available. Many of the most serious offences, such as rape and sexual assault, are common law offences. As such they can attract a maximum penalty of life imprisonment when tried in the High Court.

6.2 Bail

In cases where an accused person first appears in court from custody, and the matter is not disposed of by a plea of guilty, the prosecutor must consider whether or not to invite the court to restrict the accused's liberty – either by opposing the grant of bail or by requesting that additional, special conditions be attached to the bail order. If an accused person has pled guilty to an offence, the prosecutor no longer has any part to play in relation to the curtailment of the offender's liberty, this matter now being the responsibility of the court.

It is a standard condition of bail that the accused should not interfere with witnesses. To achieve the desired protection of a victim, a special condition of bail can be attached prohibiting him from approaching or contacting the victim. Courts have to take into account that unreasonable restriction may violate the Human Rights Act.

In 1991 pilot bail information schemes were introduced which offered a service to Edinburgh and Glasgow Sheriff Courts providing independently verified information on the circumstances of people detained in police custody whose bail was likely to be opposed by the Fiscal. These schemes were subsequently enhanced by the provision of bail supervision, which in contrast to normal bail, provides for supervision by social workers of the bailees and the opportunity to address the risk of offending whilst on bail. Following a positive evaluation of these projects they were mainstreamed from April 1999. Funding has now been provided by the Scottish Executive to all local authorities to allow them to develop bail information and supervision services for the courts within their areas.

6.3 Diversion from Prosecution

Procurators Fiscal are not obliged to pursue prosecution of an accused if another course of action is deemed more appropriate. One of the alternatives available is to divert the accused to social work or other service agencies. Diversion schemes are intended to provide an opportunity for persons accused of relatively minor offences, and where it would not be in the public interest to prosecute, to be dealt with outside the court system. Diversion schemes were piloted in 18 local authority areas and were subject to independent evaluation which was published in January 2000. This suggested a broadly positive endorsement of diversion schemes by those involved in their operation. The report considered, amongst a range of issues, the suitability of diversion as a disposal for alleged crimes of violence, including violence against women. It indicated that overall domestic abuse accounted for 4% of cases referred for diversion to social work schemes. It also found that domestic abuse accounted for 2% of cases referred for diversion to reparation and mediation schemes.

The Scottish Executive has announced its commitment to make diversion programmes available to all procurators fiscal throughout Scotland and has provided additional funding to local authorities for this purpose. It has also decided to adopt the deferred model approach whereby prosecution is deferred, normally for a period of 3 months, pending the outcome of the proposed intervention. Revised guidance to local authorities which more fully reflects the interests of victims is currently being finalised by the Executive.

6.4 Corroboration

The accused has the fundamental protection of the presumption of innocence. If he pleads not guilty, the Crown must prove the case against him beyond reasonable doubt and by sufficient, corroborated evidence. In order to establish a matter beyond reasonable doubt the essential facts must be proved by corroborated evidence – that is evidence from two independent sources.

This does not mean that there has to be two eye witnesses in every case as many cases, including those involving domestic abuse and sexual offences, are unlikely to be witnessed except by the perpetrator and the victim. The court can have regard to forensic and circumstantial evidence to provide the necessary corroboration. Medical evidence may also be admitted.

6.5 Presentation of Evidence

Where there is sufficient evidence and proceedings are initiated, common problems encountered thereafter by the Crown in cases of violence against women, particularly domestic abuse, are those of perception of intimidation of and retraction by witnesses. In confronting the problems of such violence it is essential that consideration be given to ways of empowering witnesses to give evidence.

The Scottish Executive is introducing specific measures to protect witnesses of sexual crimes from being questioned about their previous sexual history and character except with the leave of the court. Currently, an application under section 275 of the Criminal Procedure (Scotland) Act 1995 must be made to allow questioning of a victim as to her previous sexual history or character. A consultation paper setting the proposals, entitled "Redressing the Balance", was published in November 2000 and attracted a large measure of support.

The Sexual Offences (Procedure and Evidence) (Scotland) Bill, introduced in the Scottish Parliament in June 2001, makes changes to the 1995 Act which will have the effect of tightening up the restrictions on such questioning and will also restrict questioning about the victim's character in general, as well as her sexual character. The Bill is expected to become law early in 2002. The Bill will also ensure that a victim of rape or another sexual offence can no longer be cross-examined personally by their alleged attacker.

6.6 Towards a Just Conclusion

A Scottish Office Working Group whose membership included representatives from the Crown Office, Scottish Courts Administration, Victim Support Scotland and the Police examined the whole issue of vulnerable and intimidated witnesses and published a consultation paper "Towards a Just Conclusion" in November 1998. An Action Plan reporting the outcome of that consultation, setting out what had been achieved to date and what further work was required was published by the Scottish Executive in June 2000.

The Executive is developing proposals to extend the statutory definition of "vulnerable person" and to extend the range of special measures available to such persons to assist them to give evidence. It plans to publish a consultation paper on these issues at the end of 2001.

6.7 Rape and Sexual Assault

Rape is a common law offence defined as sexual intercourse by a man with a woman achieved by the overcoming of her will. A girl who has not yet reached the legal age of puberty cannot give a valid consent to intercourse. It is therefore rape for a man to have intercourse with a girl under the age of 12. Rape cases are always heard in the High Court and the maximum penalty available is life imprisonment.

The Scottish Executive is aware of the concerns which have been expressed about the implications of a ruling in a rape case heard by Lord Abernethy in March 2001, which centred on the definition of the offence of rape. Following this case the Lord Advocate in his prosecutorial capacity has made a reference to the High Court for clarification of the law on rape. The opinion of the Appeal Court will be considered when issued.

Rape in Scots law is confined to sexual intercourse by a man with a woman. There are of course sexual assaults which do not constitute rape which can be very physically and/or mentally damaging to women. There are a wide variety of common law and statutory offences in place for such non-consensual sexual acts.

The police and the Procurator Fiscal Service are aware that women who have suffered any type of sexual assault require to be treated with particular tact and sensitivity. (see also 7.1)

6.8 The Use of Pornography

The law regarding pornography is contained in both common and statute law and is currently framed in terms of obscenity and indecency. Material that is obscene or indecent under the law is heavily regulated. A person who displays obscene material could be liable for the common law offence of shameless indecency. In addition, under section 51 of the Civic Government (Scotland) Act 1982, any person who displays obscene material in any public place or in any other place where it can be seen by the public is guilty of an offence. The Indecent Displays (Controls) Act 1981 makes it an offence to display indecent material and its provisions serve to prevent anyone, particularly children, having uncontrolled access to such displays.

The Scottish Executive is aware of concerns about the use and misuse of pornography. It is thought by some to be linked to sexual violence, domestic abuse and child sexual abuse. Some consider that it reinforces exploitation and discrimination by showing degrading images of women. However, these are complex issues and the links between them are not yet clear. The Executive will take steps to consider the links between pornography and criminality.

6.9 Sentencing of Offenders

The imposition of a criminal sentence, which could include imprisonment, for unacceptable behaviour is an important way of marking social disapproval and of protecting the safety of the public. Fear of punishment **and** publicity may deter some from such forms of criminal conduct.

The penalties that are available depend upon the court which has been selected for the prosecution of the case or any limitations prescribed by the statute creating the offence. These range from the mandatory life sentence for murder in the High Court to a maximum fine of £2,500 (level 4) and 60 days imprisonment in the District Court. Prosecution in the Sheriff Court can be on indictment (ie trial before a jury) or on summary complaint. On indictment the penalties in the Sheriff Court are a maximum of 3 years imprisonment (with a power to remit the case to the High Court where the maximum powers of the Sheriff are considered to be inappropriate) and/or an unlimited fine. On summary conviction a Sheriff may sentence an offender to 3 months imprisonment (6 months for repeat offences of personal violence and dishonesty) and a fine not exceeding level 5 (£5,000) on the standard scale. The Sheriff may impose higher sentences of imprisonment and fines in relation to certain statutory offences. All courts have further powers of disposal in addition to those mentioned above, including imposition of community service orders, probation orders and periods of deferred sentences. It is for the courts to decide the appropriate sentence in each case, within the sentencing framework and maximum penalty laid down by Parliament.

6.10 Community Disposals

In cases considered appropriate by the court an offender may receive a non-custodial sentence. A range of community disposals are available including financial penalties, probation and community service orders. If placed on probation an offender is subject to regular supervision and oversight of his behaviour and will often be required to participate in a specific programme designed to reduce offending behaviour.

The Scottish Executive currently funds the CHANGE national training initiative. The initiative offers training and consultancy in the effective implementation and management of criminal justice based re-education programmes which address the behaviour of men convicted of violence towards their female partners. This initiative, directed at criminal justice social work staff in local authorities and partner agencies nationwide, has received funding from the Executive since April 1999.

As part of the 100% funding of criminal justice social work services, the Executive also funds specific programmes that may form part of a probation order and are aimed at changing the behaviour of men convicted of domestic violence offences. Examples are the Domestic Violence Probation Project (DVPP) in Edinburgh and the Fergus Programme, a similar project run by Angus Council. An evaluation of the DVPP and earlier programmes in 1996 reported that a significant proportion of the offenders who participated in the programmes reduced their violent behaviour.

6.11 Serious Violent and Sexual Offenders

Some offenders who are violent to women will pose a **high and continuing risk** to public safety. These offenders form a small but difficult group (it is estimated that fewer than 20 such offenders come before the courts each year). On 11 June 2001 the Scottish Executive announced that it planned to introduce new arrangements for the sentencing and management of high risk violent and sexual offenders. This will include a new life-long sentence, the Order for Lifelong Restriction, which will be available to courts when a high risk offender is convicted. It will begin with a period of imprisonment to meet the requirements of punishment for the offence for which the person has been convicted and thereafter the offender will continue to be detained until such time as his or her risk is reduced enough to allow release on life licence. Breach of the licence conditions will result in return to custody. There will also be a new agency, the Risk Management Authority, which will have responsibility for promulgating best practice in the assessment and management of risk. It will have particular responsibility for overseeing the management of the highest-risk offenders.

The Executive will legislate as soon as possible to bring its new arrangements for serious violent and sexual offenders into force.

6.12 Management in Custody

A sentence of imprisonment can provide the opportunity to assess the factors that contribute to offending and to address these through both general and more targeted programmes and other interventions. The Scottish Prison Service currently has 5 core programmes that tackle offending behaviours. All of these have relevance to reducing violence in general, with the Sex Offender Programme (STOP 2000) specifically addressing crimes of violence against women. Overall in 1999-2000, 850 prisoners will have completed the core programmes with many others participating in supporting groupwork activities:

- Cognitive Skills and Problem Solving Skills training teach offenders new ways of thinking and managing their difficulties;
- Anger Management enables them to avoid resorting to violence;

- Drugs (Relapse Prevention) assists them to move away from addictions and the Sex Offending programme is part of a UK – wide approach to reducing serious assaults against women.

In addition, a complementary range of approved activities based upon best practice will complement the core programmes. Some of these will include the attitudes and beliefs that underpin violence against women, for example the Parenting Skills module under development. Parenting classes are currently available in Peterhead and Edinburgh prisons.

The Scottish Prison Service will extend further its core programmes and develop a range of approved activities to address offending behaviour and to reduce the risk of violence including violence against women. These programmes will be available to both long and short term prisoners where need is identified and where the sentence is long enough to enable the programme to be completed.

6.13 Release from Custody

Arrangements for supervising certain prisoners following release enable a check to be kept on their compliance with the terms of their licence or other release conditions. Conditions for release on parole or non-parole licence may include a requirement that the prisoner undertakes counselling to assist him in addressing his offending behaviour. He may also be subject to other conditions, for example, prohibiting him having any contact with the victim of his offence. When long-term prisoners (that is those sentenced to 4 years or more) are released into the community, on parole or otherwise, they are on licence for the remainder of their sentence and are subject to social work supervision. A breach of the conditions of licence, which suggests an unacceptable risk to the public, renders the individual liable to recall to custody for up to the remainder of their sentence.

There is provision under the Crime and Disorder Act 1998 for the courts to impose an extended sentence on sexual offenders (sentenced on indictment to a period of imprisonment of any length) and on violent offenders (sentenced to a period of imprisonment of 4 years or more). This means that on release the offender is released on licence and is subject to an extended period of supervision. In the case of sexual offenders the extension period may be up to 10 years and the extension period for violent offenders may be up to 5 years. During the licence period the offender is liable to recall to custody if he or she presents a risk of serious harm to the public. In addition the courts have the power to impose a supervised release order on violent offenders sentenced to imprisonment for less than 4 years. This means that on release the prisoner is subject to supervision and may be returned to custody if he or she breaches the conditions of the order. Life prisoners are not released on licence until the criminal justice requirements of retribution and deterrence have been satisfied and they are considered not to present an unacceptable risk to the public.

The Victim Notification Scheme which is described at 7.7 below ensures that information on the release from custody of prisoners serving sentences of four years or more is provided to those victims who wish to receive it.

6.14 Management of Violent Persons in the Community

Criminal Justice Social Work teams undertake work with men who have been violent to their partners. This may be undertaken at various stages in the criminal justice process, for example at the pre-prosecution stage, through diversion from prosecution, as part of a community disposal (probation) or following release from custody with compulsory supervision. Work with offenders under community supervision is increasingly being undertaken in structured programmes which address those factors which contribute to offending. Those programmes are in accord with current best practice. In collaboration with others the Scottish Executive is developing arrangements for an accreditation system for such programmes.

6.15 Expert Panel on Sex Offending

The Expert Panel on Sex Offending, chaired by the Honourable Lady Cosgrove, was established in 1998 following the recommendations in the report **"A Commitment to Protect: Supervising Sex Offenders: Proposals for More Effective Practice"** by the Chief Inspector of Social Work. The Panel's membership included the judiciary, prosecution service, prison service, social work and health, children's and psychological services. Its remit was:

- To take forward work on the recommendations of the report "A Commitment to Protect" as directed by the Chairman of the Panel;
- To advise the Secretary of State on any other relevant issues relating to sex offenders;
- To provide, for the Secretary of State, an annual summary of its past and planned future work;
- To conclude its work 3 years after its first meeting.

The report of the Expert Panel on Sex Offending, **"Reducing the Risk: Improving the Response to Sex Offending"** was published on 12 June 2001. It contains 73 wide-ranging recommendations – some building on the policies and processes already in place in order to strengthen existing measures aimed at protecting communities from sex offenders; others support the introduction of new measures and new arrangements to help deliver a safer environment. The issues covered were;

- Community and personal safety and prevention
- Risk assessment

- Access to Personal Change programmes
- Monitoring sex offenders
- Housing provision for sex offenders
- Information Management

The report has now gone out to public consultation until September 2001, and future action will be informed by the consultation responses.

6.16 Registration of Sex Offenders

The Sex Offenders Act 1997 requires those convicted of certain specified sex offences to register their name and address and any changes in these with the police. Guidance on the implementation of the Act was issued when the Act came into force on 1 September 1997. This assisted agencies in putting systems in place quickly for the registration of sex offenders and on how information should be managed to ensure the best possible protection for the community, including women.

The Executive completed a review of the guidance in the light of initial experience of operating the Sex Offenders Act 1997 in consultation with a wide range of interests and produced consolidated guidance on the Act in August 2000. The consolidated guidance explains the respective roles of each agency with responsibility for the management supervision of convicted sex offenders.

6.17 Review by the Chief Inspector of Social Work

The Social Work Services Inspectorate has completed an inspection of the management of sex offender cases in 8 local authorities in Scotland, and published a report in October 2000 entitled "Managing the Risk". The recommendations include a call to the Scottish Executive to provide additional funding to local authorities to support specific improvements in supervision, that local authorities should nominate a supervising officer at the start of sentence whenever a sex offender is sentenced to prison with compulsory supervision on release and they should encourage all other imprisoned sex offenders to seek voluntary social work assistance on release. Material generated by the Inspectorate in relation to housing sex offenders and to longer-term prevention issues (including information sharing and community involvement) was made available to the Expert Panel.

6.18 Pilot Exercise on the Use of Risk Assessment Instruments

A major pilot exercise was held on the use of risk assessment instruments in criminal justice social work. The pilot involved extensive consultation and trialling of a risk assessment methodology which will lead to practice guidance being issued to social workers.

Revised guidance has now been issued to local authorities on the use of the risk assessment framework, based on the outcomes of the pilot exercise, and many authorities now use the framework on a routine basis. There is continuing input from the Scottish Executive in training and development

Under the auspices of the Expert Panel on Sex Offending, the Scottish Executive carried out a survey of the various organisations currently using risk assessment in working with sex offenders. The Panel also initiated a survey of information needs in relation to sex offenders of all parts of the criminal justice system.

6.19 Sex Offender Orders and Anti-Social Behaviour Orders

The Crime and Disorder Act 1998 provides for sex offender and anti-social behaviour orders, both of which can be used to protect women from threatened violence. Under the terms of the Act application for such an order can be made by the police in relation to a sex offender over the age of 16 years who has acted in a manner which gives reasonable cause to believe that he could cause serious harm to the public. Once subject to such an order, a sex offender would be required to register in terms similar to those required under the Sex Offenders Act 1997.

Anti-social behaviour orders are made on application to the court by local authorities in respect of a person aged 16 years or over, whose behaviour causes alarm and distress to one or more people (not of the same household as the offender) in the Authority's area. The terms of the order can prohibit the individual from whatever is necessary to protect the community from future anti-social acts or behaviour by that person.

Breach of a Sex Offender Order or an Anti-Social Behaviour Order (ASBO) is a criminal offence punishable on summary conviction by a term of imprisonment not exceeding six months or a fine not exceeding the statutory maximum (currently £5000) or both. On conviction on indictment the offender faces a prison sentence not exceeding five years.

Over 50 ASBOs were granted in 2000 and they are widely viewed as a helpful way forward in tackling anti-social behaviour. Recent research from the Chartered Institute of Housing suggests that some local authorities have been frustrated at the time taken to obtain an ASBO. ASBOs were introduced to enable anti-social behaviour to be stopped effectively and quickly. Delays in considering and implementing an ASBO can undermine its effectiveness.

On 13 June 2001 the Executive announced its intention to legislate to provide for interim ASBOs as soon as a suitable legislative opportunity arises.

6.20 Powers of Eviction

Powers have also been introduced in the Crime and Disorder Act 1998 to extend the grounds of eviction to cover criminal activity in the locality and by visitors to these properties. This is particularly to target drug-dealing and other serious crimes on housing estates. However, the new measures will also help to protect women from violence arising from such activities on estates. **Guidance to landlords will make it clear that in the case of violence towards women by male partners or visitors, a case for eviction should not be brought against the woman.** In such cases, local authorities should use their existing powers to transfer a council tenancy to the abused woman.

6.21 Non-Harassment Orders

The Protection from Harassment Act 1997 enables the Crown to seek a non-harassment order against someone who has been convicted in a Scottish court of a crime involving harassment. However, victims may also seek such an order in civil proceedings even when there has not been any conviction. Breach of a civil or criminal non-harassment order in Scotland will be a criminal offence punishable on indictment by imprisonment for up to 5 years and/or an unlimited fine. The 1997 Act also empowers the civil court to award damages to the victim. The award can include damages for any anxiety caused by harassment or for financial loss resulting from it. These new remedies are particularly helpful to women affected by the menace of stalking, Peeping Toms, nuisance phone calls, abusive letters or anti-social behaviour by neighbours.

The Scottish Executive is determined to do whatever it can to increase the protection for people who suffer from harassment or stalking. Following a wide ranging consultation exercise in 2000, the Deputy First Minister announced to Parliament in January 2001 a package of measures to strengthen the protection for victims.

The Executive will introduce a new statutory power of arrest for breach of a non-harassment order at the first legislative opportunity. Research has been commissioned into the existing legal remedies, procedures and practice and to explore the nature, prevalence and awareness of stalking incidents in Scotland.

As opinion on the need for a specific offence of stalking was divided in the consultation exercise this research will allow us to make an informed decision as to whether a statutory offence should be created. The Executive is also working with the police and judiciary to improve training and guidance on harassment throughout the criminal justice system.

6.22 Protection of Children

Child protection is also recognised as a cross-cutting issue with no single agency or organisation having the sole responsibility. As a result inter-agency child protection committees have been established throughout Scotland. These committees have a pivotal strategic role in fostering inter-agency co-operation. Their functions include: preparing and reviewing inter-agency guidelines; promoting inter-disciplinary practice in preventing and dealing with the causes and effects of child abuse; assessing issues of significance in collaborative working which arise from the handling of individual cases and reports from inquiries; reviewing arrangements for providing expert advice; monitoring information about child abuse from child protection registers; identifying inter-agency training needs and taking a leading role in developing and promoting inter-agency training programmes.

The child protection guidance referred to in the last action plan has now been published in two separate documents entitled "Protecting Children – A Shared Responsibility: Guidance on Inter-agency Co-operation" (November 1998) and "Protecting Children – A Shared Responsibility: Guidance for Health Professionals in Scotland" (January 2000).

In March 2001, the Minister for Education, Europe and External Affairs announced a review of child protection, the main part of which will be a multi-disciplinary national audit of current child protection practice. The review will report by June 2002.

6.23 Children's Panels

Cases of violence against women where children are involved may lead to the children's cases being considered by children's panels. The Executive funds the Children's Panel Training Organiser (CPTO) network which delivers training to panel members on the full range and impact of physical, social, sexual and emotional neglect and abuse.

6.24 Children (Scotland) Act 1995

The Children (Scotland) Act 1995 introduced 3 new orders for protecting children from abuse. The orders, which may be made by a Sheriff, are: **the child assessment order** for use when a local authority has reasonable cause to suspect that a child is suffering or is likely to suffer significant harm but where access to the child is being denied; **the child protection order** for use where there are reasonable grounds to believe that a child is suffering or likely to be suffering significant harm. The order authorises the removal of the child from home to a place of safety or the keeping of the child in a place of safety; and **the exclusion order** which can be used to exclude a suspected abuser from the family home.

Exclusion orders available under the Children (Scotland) Act 1995 may be granted on the application of a local authority where the Sheriff is satisfied that a child has suffered, is suffering or is likely to suffer significant harm as a result of any conduct or any threatened or reasonably apprehended conduct of the person named in the application; and where the order is necessary to protect the child and would better safeguard the child than removing him or her from the family home. The effect of the order is to exclude the named person from the child's family home for up to 6 months. The Sheriff in making an exclusion order may do a number of things, including attaching to the order an interdict prohibiting the named person from entering or remaining in a specified area in the vicinity of the child's home.

The Scottish Executive will review and report on the use made of these orders by means of commissioned research, taking account of independent research in this area carried out by the University of Edinburgh. It is intended that the Executive commissioned research will start when the University of Edinburgh's findings from their research are available.

6.25 Child Witnesses

Child witnesses under the age of 16 years at the time of giving evidence, and certain other vulnerable witnesses (the definition of which is very strictly drawn) can, with the leave of the court, give evidence other than in the conventional court setting – that is to say by CCTV or with the accused hidden from view behind a screen or by giving evidence on Commission. The Lord Justice General's Guidelines of 1990 are also designed to minimise stress to child witnesses who give evidence in open court. The judge can also instruct, in cases involving child witnesses or victims of sexual abuse, that the court be cleared of all persons other than those required to hear the evidence. The court must always be aware of the balance that must be drawn between the interests of vulnerable witnesses and the right of the accused to a fair trial. The balancing of these interests is also subject to the interpretation of the provisions of the Human Rights Act.

6.26 **Enhanced Criminal Record Certificates**

The Executive is currently implementing Part V of the Police Act 1997 which will extend access to criminal record checks from January 2002. At present the checks are limited to those in the statutory sector and will be extended to give voluntary organisations access. The new Enhanced Criminal Record Certificate will be mainly for those whose jobs involve regularly caring for, training, supervising or being in sole charge of children. These certificates will contain details of spent or unspent convictions and other non-conviction information from local police records considered relevant to the post being sought. A copy will go to the employer and the individual.

The Executive plans to provide for the Enhanced Criminal Record Certificates to be available from January 2002.

6.27 **Statutory Index of Persons Unsuited to Work With Children**

The Scottish Executive is also committed to establishing a statutory Index of persons deemed to be unsuitable to work with children. Alongside that, the Executive will introduce measures which will disqualify persons named on the Index and those who have been convicted of certain offences from working with children in paid or voluntary capacities. The disqualification would be backed up with a new offence which a disqualified person would commit if he or she applied to or continued to work with children. Proposals for the Index and the related measures were the subject of consultation in the Executive's pre-legislative consultation document "Protecting Children – Securing Their Safety" published in July 2000. The Executive has since published a policy position paper in June 2001 "Protecting Children – The Next Steps Towards Securing Their Safety" summarising the response to consultation, which was generally in support, and setting out its proposals for legislation.

The Executive will bring forward its proposals for legislation to establish the Index and related measures as soon as possible.

PROVISION OF SERVICES

As well as protecting victims against the violence enacted on them by the perpetrator, we are also aware of the need to ensure that the victims are not subject to additional and unnecessary stress caused by the progress of their cases through the justice systems. A range of measures have been introduced to help vulnerable witnesses and to give them confidence when faced with the task of giving evidence in criminal proceedings.

It is essential to make vital services available to all women and their children who have become victims of violence to enable them to live in safety and rebuild their lives.

7.1 Police Response

All women who are the victims of violence or under threat of violence should be encouraged and empowered to report these matters to the police. Guidance to the police in dealing with such incidents – particularly in domestic situations – stresses that the safety of women and children involved is paramount and that the police should consider separating the parties physically. The police should operate a clear and well-publicised “pro-arrest policy” in cases of violent crime where there is enough evidence. The police are encouraged to explore the reasons why victims refuse to report crimes or retract their evidence at a later stage and to consider ways of overcoming these two well-known problems.

In addition to the training on domestic abuse which all probationary police officers receive at the Scottish Police College (see 8. below) all forces have specialist units dealing with sex and domestic abuse crimes against women and children. These officers receive additional specialist training whilst they are currently operating in that field. The average percentage of officers in Scotland employed in specialist units in dealing with victims of rape is 11 per cent, including detectives. 50 per cent of these are female.

Rape victims are offered a choice of male or female officers to carry out interviews. Wherever possible they are also offered the choice of being examined by a female doctor. However, only 27 out of 163 police surgeons are female and two of the eight forces – Dumfries and Galloway and Northern do not have any female police surgeons.

7.2 Prosecution Service

Violence against an individual is almost always likely to constitute a crime. Where Procurators Fiscal receive reports of such violence, they will consider whether there is enough evidence and whether the public interest is met by instituting a prosecution.

Detailed, internal instructions and best practice guidance on dealing with child and vulnerable victims and witnesses is provided to legal and precognition staff. Procurators Fiscal receive regular training in relation to different aspects of the investigation and prosecution of crime, and to supplement the internal instructions and guidance. In particular, training is provided on dealing with child victims and witnesses, and a rolling programme of victim awareness training has recently commenced.

The Crown Office and Procurator Fiscal Service (COPFS) has published two booklets for the use of children, who are required to attend court as witnesses, tailored for different age ranges and a leaflet for witnesses with learning difficulties. COPFS has committed to producing a range of other information booklets, including information for bereaved next of kin where the death has been reported to the Procurator Fiscal and information for victims of rape and sexual offences.

COPFS gives active support on a wide range of committees whose remit is to investigate and improve where possible, the position of victims and witnesses, in particular those with an identified vulnerability.

7.3 The Scottish Strategy for Victims

The Scottish Strategy for Victims was launched in January 2001 and sets out a framework for putting victims back at the heart of the criminal justice system. The purpose of the Strategy is to ensure that all victims of crime will be able to get support and assistance at all stages in the criminal justice process, and thereafter if needed. The three pillars to the Strategy are:

- The provision of emotional and practical support to victims
- The provision of information to victims, and
- Progressive action to increase the participation of victims in the criminal justice system.

Importantly, the main agencies in the criminal justice system are working together to improve support for victims, and the Strategy is endorsed by Victim Support Scotland. Representatives from all these organisations are on the Victims Steering Group – the body responsible to Scottish Ministers for implementation of the Strategy.

Action Plans have been, or are, being developed by the main agencies setting out how they are taking forward the Strategy in their own areas of responsibility. The Justice Department Action Plan sets out a number of key objectives to help all victims of crime. These include:

- Publishing a new information leaflet for victims
- Consulting on the procedures for, and piloting, a scheme to provide victims with the opportunity to make a statement about the impact which a crime has had on them.

- Creating a victim's information website.
- Extending the current Victim Notification Scheme.

7.4 Reporting a Crime: A Guide for Victims and Witnesses

An information leaflet entitled "Reporting a Crime: A Guide for Victims and Witnesses" was published in February 1998. It is intended as a brief guide to help victims and witnesses understand the processes of the criminal justice system and to point to sources of help and support. The leaflet supplements existing information such as leaflets produced by the Crown Office for the use of witnesses, the leaflets available from Victim Support Scotland and from the police. The leaflet is distributed mainly by the police who are the first contact a victim or witness reporting a crime has with the criminal justice system. Victim Support and Citizens' Advice Bureaux also supply the leaflet. The Executive is currently updating this leaflet as part of the objectives of the Scottish Strategy for Victims.

7.5 The Witness Service

The Scottish Strategy for Victims is committed to helping victims at all stages in the criminal justice system. A key element of this is to ensure that witnesses have the help and support that they need during court appearances. The Justice Department is funding Victim Support Scotland to provide a service offering emotional support and practical help to all witnesses attending court. Following a number of successful pilots, the Witness Service is being rolled out nationally and will be available in all Sheriff Courts by April 2002.

Amongst other things the Service offers advance visits to courtrooms prior to trial; emotional support during attendance in court; information about specialist support available elsewhere; information about general court etiquette, procedures and personnel; practical advice on issues such as parking and expenses and discrete waiting accommodation if there are concerns about contact with the accused or their associates.

7.6 The Victim Liaison Office

The Crown Office and Procurator Fiscal Service (COPFS) is setting up an important new national service for victims. The Victim Liaison Office (VLO) will be an important and innovative vehicle to achieve improved, consistent service delivery to victims of crime in their contact with the criminal justice system.

In identifying and responding to individual needs for practical and emotional support, the VLO will liaise closely with other statutory and voluntary agencies in the criminal justice system. The VLO will:

- Provide victims with information about the criminal justice process.
- Advise victims of local support agencies, including Victim Support Scotland, with information on the services they can offer and how to contact them.
- Refer victims, with their consent, to other agencies, both statutory and voluntary, who are able to provide emotional and practical support.
- Liaise with the police and other relevant agencies to address safety concerns reported by victims.
- Provide victims with information about compensation.

Provision of information about progress of cases will be a feature of VLO pilots. Victims will be offered the option of receiving routine updates on the progress of the investigation and the court process, until the point of disposal. **The Victim Liaison Office will be operational in all regions by Spring 2002.**

7.7 Victim Notification Scheme

The Victim Notification Scheme was introduced in April 1997. It provides information on the release of prisoners serving sentences of four years or more for sexual or violent crimes to those victims who say that they wish to receive it. Victims are free to choose whether to receive this information, and can opt out of the scheme at any time. The Scottish Strategy for Victims gives a commitment to extend this scheme to provide information on eligibility for temporary release and release from custody for all victims who wish to receive it.

Whilst not all victims wish to be informed about the progress of the case involving them, many do. The Scottish Strategy for Victims recognises this, and gives a commitment to offer victims information on the progress of their case, or the processes with which they are involved. Specifically the Strategy states that the Justice Department will work with the Crown Office and others to ensure that information on the progress of cases from the point where the case is referred to the Procurator Fiscal, to the outcome of court proceedings, is available if the victim wishes.

7.8 Victim Support Scotland

The Scottish Executive is providing over £1.8 million to Victim Support Scotland in 2001-2002 in support of its main services to victims of crime and to support specific training and awareness raising projects. Funding of over £800k is also being provided to Victim Support Scotland for the Witness Service. With this support VSS provide help and assistance to around 40,000 victims of crime a year through their network of offices throughout Scotland. They also run a national helpline service. Other agencies also have their part to play in the protection of women and child victims. In particular a number of voluntary agencies, such as Scottish Women's Aid, Rape Crisis Centres, Children 1st, NCN Action for Children and Barnardos, provide a range of support for women and child victims of violence.

7.9 Criminal Injuries Compensation

Victims of violent crime may apply for compensation to the Criminal Injuries Compensation Authority (CICA). Compensation amounting to almost £7.3 million was paid to female victims of violent crime in Scotland in 1999/00.

Rape victims can apply for an award (currently ranging from £11,000, rising to £33,000 if there is proof of serious internal bodily injury with permanently disabling mental damage) payable from the Criminal Injuries Compensation Scheme. This Scheme provides payment to "blameless" victims of violence and those injured in trying to apprehend criminals or prevent crime. In addition where there is evidence of loss of earnings or earning capacity, and of medical care costs payable by the victim, the Scheme also provides for those elements to be assessed.

7.10 Routes Out of Prostitution

Prostitution is not, in itself an offence, as long as the sexual acts are consensual, non-violent and the parties concerned are of age. However, soliciting in public is an offence under section 46 of the Civic Government (Scotland) Act 1982 which states that someone who, for the purposes of prostitution, loiters, solicits or importunes someone in a public place may be guilty of an offence and liable to a fine of up to £500. It is also possible that a man seeking a prostitute by "kerb crawling" could be committing an offence such as breach of the peace.

However, experience of women involved in street prostitution reveals high levels of sexual abuse, drug use, poverty and homelessness. The Routes Out Social Inclusion Partnership in Glasgow is the only SIP specifically aimed at preventing women entering into prostitution and seeking to help those already involved in it to leave it behind.

The Scottish Executive is providing over £250,000 per year for a 5 year programme which aims to:

- Prevent women, particularly vulnerable young women, from becoming involved in prostitution.
- Provide viable alternatives to women who wish to leave prostitution, supporting them to access services such as safe housing, childcare support, drug programmes and training and employment opportunities.
- Change public perceptions of prostitution.
- Involve women themselves in shaping and developing services.

A consultation group has been established to seek the views and experiences of women which will influence the future work of the SIP. An Intervention Team provides the necessary support to women to help them leave prostitution. The Team works with individual women to develop long-term personal plans and delivers advocacy, health advice, group work and one to one services on any issue.

7.11 National Health Service Response

This covers some important strands of service provision including the Government's commitments as already set out in:

- The Public Health Strategy in the 1999 Scottish White Paper; **Towards a Healthier Scotland**. This recognises that reducing violence against women and their children is especially relevant to health and proposes a number of relevant public health initiatives, including the establishment of major demonstration projects in the fields of child health and sexual health and the introduction of new measures to reduce alcohol misuse;
- The role of health promotion within the Health Board, Trust and primary care arena including acute and community paediatrics;
- The role of staff in Accident & Emergency and the need to be aware of, diagnose and treat domestic abuse;
- The role of other secondary care services such as obstetrics and gynaecology as a significant number of instances of domestic abuse present in the antenatal/post-natal period. This includes awareness and identification within the professions of health visiting and midwifery and the other professions allied to medicine.
- The framework for Mental Health Services in Scotland and the work being carried out within child adolescent and adult psychiatry which is closely linked with primary healthcare teams, GPs and social workers.

- The Audit Report of Maternity Services “Maternity Care Matters” – highlighted the need for midwives to recognise and offer more help to women who were experiencing domestic abuse.

Training is continually required for those directly involved within the National Health Service in supporting women in need, eg.

- Accident & Emergency Department personnel;
- Midwives;
- Health visitors for post-natal problems and for child protection issues;
- All other professionals in their roles within the National Health Service, including GPs, district nurses and practice nurses.

The Scottish Council for Postgraduate Medical and Dental Education is not prescriptive about the training of GPs in relation to violence against women but Directors of Postgraduate Training in General Practice do provide courses where a need has been identified by GPs in the area. The emphasis is on learner defined needs reflecting the needs of the population covered by the practice.

Suitable rooms also need to be provided for interviews along with lists of contacts and networks of helpers eg, female interpreters. Gender awareness training is included for all NHS staff together with a capacity to identify risk factors and thresholds for supportive action to assist victims of domestic abuse. **Guidance on the role of health care professionals in developing a multi-agency approach will be developed during 2001.**

7.12 Housing – Local Authority Responsibility

Local authorities have a statutory responsibility for dealing with homelessness, and therefore for assessing the need for and ensuring the provision of appropriate accommodation for women and their children fleeing violence. A woman with dependent children presenting as homeless will be regarded as in priority need of re-housing under current legislation. **In addition, the Code of Guidance on Homelessness to which local authorities, by statute, must have regard, identifies women suffering, or in fear of violence as being in priority need, whether or not they have dependent children.** A local authority has a duty to provide permanent accommodation for all those assessed as in priority need.

Local authorities can also provide funding for local women's refuges. In addition Scottish Homes provides funding through housing associations for some refuge places and move-on accommodation. It is contributing an additional £2 million in 2000-2002 for capital projects of this sort. The Rough Sleepers Initiative also funds projects which will help people who are sleeping rough or at risk of sleeping rough. In Edinburgh, for example, the RSI has funded a Stopover project for vulnerable young women aged 16 to 18.

7.13 Housing Agency Responsibility

Housing agencies help women who are affected by violence in the following ways:

- They help abused women and their children who become homeless under the homelessness legislation, including provision of accommodation, by assisting voluntary and other bodies to provide women's refuges.
- They can explain to women how to report incidents of violence of which they become aware to the police or other appropriate agencies, while bearing in mind that abused women need support whether or not they choose to report the matter. In certain circumstances agencies may report such incidents on their own initiative, informing the victim of any action taken;
- They should ensure that house designs and layouts consider the best practice in crime prevention and community safety;
- Where appropriate, local authorities use their powers to transfer a council tenancy to an abused woman from a violent partner, (the Housing (Scotland) Act 2001 extends these powers to Registered Social Landlords). Local authorities and Registered Social Landlords also use their powers under the Crime and Disorder Act 1998 to evict for criminal activity in the locality, which helps to protect women from domestic abuse;
- In March 1999 the Scottish Federation of Housing Associations published guidance on good practice in dealing with domestic abuse, which was drawn up with the assistance of Scottish Women's Aid. Although this guidance is not statutory, it is part of the compliance test for all housing associations registered with or wishing to register with Scottish Homes;

7.14 The Housing (Scotland) Act

The Housing (Scotland) Act 2001, gives additional protection to women by introducing a new right to a joint tenancy for all social sector tenants, which will enable women to have rights to a tenancy equal to their partners'. This new right includes special arrangements for ending a tenant's interest in a joint tenancy, which will protect women who are subject to abuse. The Act also removes the residency requirement for social housing to allow women fleeing domestic abuse to seek housing in another area and extends the definition of anti-social behaviour as a ground for eviction to include harassment of a person living in or visiting the locality.

7.15 Women's Offending

In May 1998 the Scottish Office published 'A Safer Way', a report on women's offending. This followed a review by the Prisons and Social Work Inspectorates on the use of custody for women offenders in Scotland.

Among the Report's main findings were that the vast majority of female prisoners had experienced some form of abuse whether emotional (71%), physical (60%) or sexual (47%). The Report made 7 recommendations which were accepted by the Government. In response to one of these recommendations, an inter-agency project was set up in Glasgow in 1998 to bring together all the main partners in the criminal justice system to resolve, at a local level, the issues raised in the report. Professor Sheila McLean chaired the forum. **After two years the group produced thirteen proposals and was restructured into the present Ministerial Group on Women's Offending which will take forward and implement a package of measures designed to reduce significantly the number of women held in custody in Scotland. The group aims to report on its progress by the end of 2001.**

DOMESTIC ABUSE

It is difficult to know how many women suffer domestic abuse but research shows that it is widespread and under reported and that the level of repeat victimisation is high. Domestic abuse is associated with broader inequalities in society, is part of a range of behaviours constituting male abuse of power and is linked to other forms of violence such as rape and child abuse. It occurs in all social groups and is likely to escalate in frequency and intensity over time and may increase at specific points in a woman's life such as during pregnancy. It can be perpetrated by partners or ex-partners and can include physical abuse, sexual abuse and mental/emotional abuse. It is often witnessed by children who may themselves experience mental, physical and sexual abuse.

The range of common effects of domestic abuse includes physical injury, poor health and a range of psychological difficulties. The effects on children must also be recognised as including a range of forms of stress or fear, as well as the additional correlation between domestic abuse and child sexual abuse.

The Scottish Executive is committed to taking whatever steps are necessary to raise awareness about domestic abuse, improve information about the scale and nature of the problem and ensure that women get the protection and support they need. **The ultimate aim is, of course, to eradicate it from Scottish society.**

8.1 Scottish Partnership on Domestic Abuse

The Scottish Partnership on Domestic Abuse, chaired by Anne Smith QC, was established in November 1998. Members represented the Scottish Executive, local authorities, the police, the judiciary, the Crown Office and Procurator Fiscal Service, the Health Service, the Prison Service and voluntary organisations. Its remit was:

- To recommend a strategy on domestic violence within the Government's overall policy on violence against women, which takes into account the impact of domestic violence on children and young people and the need for effective intervention strategies to prevent male violence against female partners and their children;
- To recommend minimum standards and levels of service for women experiencing domestic violence in order to encourage consistent service delivery throughout Scotland, having particular regard to the needs of women from rural areas, women from ethnic minorities and women with disabilities and taking into account the impact on children and young people affected;
- To recommend a framework for monitoring progress in dealing with domestic violence;
- To cost all recommendations involving resources;
- To consider which recommendations should be given priority for action, taking into account such factors as their impact, costs, the speed with which they can be implemented and local variations in needs and existing provisions.

In its early work the Partnership produced a full Workplan and conducted research on current local initiatives by way of a circulated questionnaire.

In the Workplan the Partnership identified a need to develop a National Strategy on Domestic Abuse, incorporating all of the areas in which work is seen to be required.

A draft National Strategy was issued for consultation in February 2000. The strategy was revised by the Partnership in the light of the responses and re-circulated for consultation with an Action Plan and Good Practice Guidelines and Service Standards in July 2000.

In February 2000 the Scottish Executive Central Research Unit published "The Development of the Scottish Partnership on Domestic Abuse and Recent Work in Scotland" by Dr Sheila Henderson, Consultant to the Partnership.

The Partnership reported to Ministers with its recommendations and A National Strategy to Address Domestic Abuse in Scotland, with a detailed Action Plan and supported by Good Practice Guidelines and Service Standards, was published in November 2000. The Scottish Executive has accepted the recommendations of the Partnership in full and is committed to implementing them.

8.2 The National Group to Address Domestic Abuse in Scotland

The National Strategy will be implemented by a National Group to Address Domestic Abuse in Scotland chaired by the Deputy Minister for Social Justice. The group's remit is:

- To oversee the implementation of the National Strategy to Address Domestic Abuse in Scotland in accordance with the priorities set out in the Action Plan;
- To identify and disseminate good practice;
- To identify key issues and develop a common national response;
- To provide advice in relation to monitoring data and the identification of the research required;
- To establish and oversee a structure of specific issue-based groups and local multi-agency groups working within a coherent framework;
- To review and monitor progress against the Action Plan;
- To consider links between domestic abuse and the wider issues of violence against women.

The Scottish Executive has allocated a budget of £4.5 million over three years for the implementation of the Action Plan.

8.3 Working Groups

The National Strategy calls for the establishment by the National Group of specific issue-based working groups. These groups will comprise co-opted members identified for their expertise in a particular area of work. They will be time limited and will take forward specific national work. The remits of these groups will vary and change according to the work being carried out. They will consult widely with local multi-agency groups as issues arise and will report back to the National Group.

The first working groups will be established by October 2001. Three groups will: review current legislation relating to domestic abuse; review the current COSLA recommendations on refuge provision; and produce a prevention strategy.

8.4 The Domestic Abuse Service Development Fund

The Domestic Abuse Service Development Fund was established in April 2000, initially for 2 years but extended to 4, to provide funding for local multi-agency projects to improve local circumstances. The Scottish Executive is providing £1.5 million for each of the years 2000/01 to 2003/04, to be match funded by local authorities and/or their local partners. This makes a total of £12 million over 4 years

A variety of projects have been approved for the first 2 year period involving outreach work, multi-agency development, work with children, training and information services, work in rural areas, preventative work through schools and support work. The Domestic Abuse Service Development Fund first round is supporting 58 projects in 31 local authority areas.

The Scottish Executive will continue the Domestic Abuse Service Development Fund in the years 2002/2003 and 2003/2004 with the provision of a further £3 million. Application guidance for the second round was issued in June 2001 and bids are required by 31 December 2001. Bids may be for new projects or for the continuation of current ones.

8.5 Awareness Raising

Progress continues to be made in raising awareness in Scotland. That is the best form of prevention of domestic abuse in the long term. It must become a fundamental tenet that domestic abuse is not acceptable in Scottish society, that responsibility lies with the perpetrators and that the victims are in no way to blame.

8.6 Publicity Campaigns

The first national publicity campaign was launched in 1994 with a hard hitting television advertisement targeted at male viewers, highlighting the criminality of the act and making it graphically clear that domestic abuse is abhorrent and socially unacceptable. The advertisement was shown through the Football World Cup in 1994 and the Rugby World Cup in 1995.

The second campaign started in December 1998 with a television advertisement, "Domestic Bliss", demonstrating how domestic abuse can start insidiously with verbal abuse. It also showed the distressing effect it has on children. The advertisement was shown again between 26 December 1999 and 30 January 2000, further developed to show how help could be obtained via a helpline number. The advertisement was given heavyweight coverage and frequency to ensure that 85% of adults would have between 5 and 7 opportunities to see it. "Domestic Bliss" won a three star award from the Institute of Practitioners in advertising in November 2000.

The advertisement of the most recent campaign, "Behind Closed Doors" was shown between December 2000 and January 2001 and again in March 2001 when it was also shown in cinemas. The effectiveness of the campaign is being monitored by a research consultancy, System 3, which has found that the adverts have consistently maintained an awareness factor of over 75%, which is very high in advertising terms.

Further development of the advertising campaign is under consideration at present, and is likely to include other media such as convenience and outdoor advertising in order to maintain awareness and continue to promote the message that there is never an excuse for domestic abuse. The Scottish Executive will continue to develop strategic methods to raise awareness.

8.7 Domestic Abuse, There is no Excuse

In September 1999 the Scottish Executive issued a booklet entitled "Domestic Abuse, There is no Excuse". It provides comprehensive information and sources of help for victims and has been widely distributed. It is also available on the Scottish Executive Website.

8.8 National Helpline

A permanent National Helpline was launched on 22 June 2000, and currently operates between 10 am and 10 pm 7 days a week. It is sponsored by Thus PLC and is managed by North Ayrshire Women's Aid. It currently averages about 50 calls per week. The number is 0800 027 1234. Flyers advertising the helpline have been disseminated widely throughout Scotland. The helpline number is featured in the latest phase of the advertising campaign "Behind Closed Doors".

The National Telephone Helpline for victims of domestic abuse will be monitored and evaluated in 2001.

8.9 Work with Perpetrators

Preventive work includes work done directly with male perpetrators of domestic abuse. Few of these men receive custodial sentences and may have several partners over time, leaving multiple victims in their wake. Some social work departments have long histories of working with these men, using programmes which have been shown to be effective by independent research. A programme of training available to all Criminal Justice Social workers in one of these programmes is currently underway. Good practice in working with these men requires the provision of support to the partners of those on programmes. (see also 6.10)

8.10 The Role of the Police

In 1997 the report of a thematic study by HM Inspectorate of Constabulary of the response of all 8 police forces to domestic abuse was published under the title of “**Hitting Home**”. The report highlighted good practice and made recommendations to further improve the operational response throughout the country.

One of the recommendations of “**Hitting Home**” was that police forces should develop a common definition of domestic abuse for operational use by all forces so that:

- Patterns of behaviour can be monitored and repeat victimisation identified;
- Consideration of further investigation can take previous incidents into account;
- Future protection of the victim and any children can be considered by police and other interested agencies;
- Police performance can be monitored at individual and organisational levels;
- Strategy can be adjusted accordingly at local and force level.

A common definition and guidance for statistical collection is now in operation and is described in section 4.5.

8.11 Police Training

Training is provided nationally by the Scottish Police College. 80 per cent of police training is provided in this way. Officers attending various courses offered by the Scottish Police College receive training in respect of rape and domestic abuse although the majority of this takes the form of awareness training. However, all officers undertaking this training should be equipped to handle initial dealings with victims of rape and domestic abuse in an appropriate professional manner.

Two 50-minute lessons entitled 'Domestic Disputes' are given to new recruits. The lessons cover investigating domestic assaults, welfare of children, an overview of the Matrimonial Homes (Family Protection) (Scotland) Act 1981, power to arrest and courses of action available under arrest. Officers take two practical exercises designed around domestic abuse incidents. Whilst these are designed to test the officer's legal knowledge, actions and attitudes are also assessable.

Officers are introduced to the topic of rape and associated indecent crimes during their second stage of probationer training. This includes the common law crime of rape, investigation into sexual assault and the welfare of the victim. They also look at actions at the scene of a rape which gives them an operational perspective and examines the concerns of the victim, sensitivity of approach and best practices.

All officers promoted to the rank of sergeant attend a workshop which is jointly facilitated by representatives of Scottish Women's Aid and the Family Law Association. The purpose is to examine domestic abuse from the perspective of the woman, including any children involved, as opposed to that of the investigating officer.

The Standard Crime Prevention Training course includes looking at the role of the Domestic Violence Liaison Officer through the operation of the Domestic Violence Unit at Fife Constabulary. This was considered by HMCIC to be an example of best practice.

The Child Protection Training Course looks at domestic abuse as a child abuse issue. Presentation is by representatives of Scottish Women's Aid and is viewed from the perspective of any children involved both as direct and indirect victims of abusive behaviour.

Every Initial Detective Training Course looks at the Investigation of Rape and Serious Sexual Assault. It covers specific and relevant case law and its evolution before looking in some detail at the Lord Advocate's guidelines on the investigation of such complaints. These guidelines stipulate that the investigation should be victim centred and carried out by a specified officer with sympathy, tact and understanding. Whilst a detective with some seniority is likely to lead the investigation of rape, every officer with whom the victim has contact effectively deals with her at that time and all such officers should have a full understanding of what is expected and required of them.

8.12 ACPOS Domestic Abuse Action Group

The Association of Chief Police Officers in Scotland (ACPOS) established a Domestic Abuse Action Group in January 1998. All Scottish police forces are represented on the Group which aims to identify and promote good practice between all forces. So far the Group has:

- Obtained agreement by all forces on a common definition of domestic abuse;
- Obtained agreement between all forces and the Scottish Executive on the collection of core data and the submission of statistical returns;
- Produced a process model detailing current and projected IS/IT needs of all forces in relation to domestic abuse;
- Established sharing of good practice in relation to training;
- Published an ACPOS Domestic Abuse Policy.

Ongoing work for the group includes seeking agreement with Women's Aid on a joint protocol for the release of information to the police where a victim is relocated/rehoused to a new police force area and involvement in a Foreign and Commonwealth Office Police-to-Police Co-operation Project to agree national guidelines for the police response to victims of forced marriage.

8.13 Matrimonial Exclusion Orders and Interdicts

Some important safeguards are provided to spouses by the Matrimonial Homes (Family Protection) (Scotland) Act 1981. Firstly it confers a right of occupation of the matrimonial home upon a spouse who would otherwise not be entitled to remain there. Secondly it provides increased protection against domestic abuse by enabling the civil courts to grant certain orders. The first of these is an order to **exclude a spouse from the matrimonial home** where it is necessary to protect the other spouse or any children from conduct which would injure them either physically or mentally.

The second is a "matrimonial interdict" which can restrain or prohibit the conduct of one spouse towards the other or any children of the family. It may also prohibit one spouse from entering or remaining in the matrimonial home or in a specified area in the vicinity of the matrimonial home. **Importantly the court can attach a power of arrest to a matrimonial interdict so that the subject of the order can be arrested without warrant if there is reasonable cause for suspecting that he is in breach of the interdict.**

Many of the rights conferred by the Act also extend to cohabiting partners, but with some differences. For instance a spouse's occupancy rights arise by operation of the law by virtue of marriage. However, a non-entitled cohabiting partner only has such rights by making application to the court. Following the 1999 consultation paper "Improving Scottish Family Law", the White Paper "Parents and Children" was published on 14 September 2000. It proposed extending the range of protection beyond the home to the workplace and to the child's school. In addition it proposed that the power of arrest attached to an interdict should not fall automatically on divorce, but instead that it should cease to have effect three years after the date it was granted, unless recalled or renewed within that time.

The Executive will bring forward a draft Family Law Bill for consultation before the elections to Scottish Parliament in 2003. Its proposals aim to improve the protection for cohabitants, divorced spouses and other family members under the 1981 Act. Before legislating the Executive will take into account the provisions of the Protection from Abuse (Scotland) Bill and will continue dialogue with the Justice 1 Committee of the Scottish Parliament.

The Scottish Court Service will establish a computerised system of statistical collection for court actions in 2001 and will consider how the system can be adapted to provide information about the issue of exclusion orders and interdicts.

8.14 Protection from Abuse (Scotland) Bill

The Protection from Abuse (Scotland) Bill was introduced to Parliament on 4 June 2001. The Bill resulted from an investigation carried out by the Justice and Home Affairs Committee into legal protection in domestic abuse cases, during which they took evidence from a wide range of organisations including Scottish Women's Aid, the Family Law Association, the Sheriffs' Association and the Association of Chief Police Officers in Scotland. After initially considering amending the Matrimonial Homes (Family Protection)(Scotland) Act 1981, the Committee decided instead to introduce a new, simpler remedy, which allows for a power of arrest to be attached to a common law interdict which has been granted to someone to protect them from abuse.

The proposals for the Bill would allow any person who has obtained or has applied for an interdict against another individual for the purpose of providing protection against abuse to ask the court to attach a power of arrest to the interdict. It would not be necessary to demonstrate any particular relationship to the alleged abuser. Instead the court would simply have to decide if the power of arrest was necessary to protect the applicant against the risk of abuse through breach of the interdict. There is no connection with property or occupancy rights, as is the case with the Matrimonial Homes (Family Protection) (Scotland) Act 1981. The Matrimonial Homes Act will remain, as there will be some people who can benefit from it, and the two Acts will complement each other.

The Stage 1 debate on the new Bill took place on 28 June, and it is anticipated that the Protection from Abuse (Scotland) Bill will become law by early next year. The Scottish Executive supports the Bill and will be working closely with the Justice 1 Committee during the passage of the Bill.

8.15 Legal Aid

An abused woman may need to consult a solicitor in order to obtain an exclusion order or an interdict. It is important that she should not be put off from doing this because of worries about the cost. Legal advice under the legal aid scheme may be available from solicitors but a contribution may be needed. However, some solicitors give a free first interview or charge a small fixed rate. The local Citizens Advice Bureau should have a list of such solicitors.

It may be necessary to raise an action quickly and it is possible in these circumstances to have urgent legal aid granted by a solicitor. This is done on the understanding that the client will return and that an application to the Scottish Legal Aid Board for civil legal aid will be successful. If it is not, the Board may still reimburse the solicitor, less any contribution due to be paid by the client. Anecdotal evidence suggests that some solicitors are wary of granting urgent legal aid because of possible difficulties in recouping the costs from the Board, especially if the client fails to return. Consequently, solicitors seek the contribution up-front to ensure that they are not out of pocket.

To qualify for civil legal aid, a person needs to satisfy the Scottish Legal Aid Board that they have grounds to raise the action, that they meet the financial tests and it is reasonable to grant civil legal aid. The Board will look at all income and outgoings and decide whether civil legal aid may be given and whether a contribution should be required. Contributions may be paid in monthly instalments and where a contribution is over £500 this can be paid over 15 or 20 months.

The Scottish Executive recognises that it is not acceptable to place women and their children in danger because of difficulty in obtaining the means of protection. **It will therefore consult the Legal Aid Board about reducing the obstacles to solicitors in granting urgent legal aid.**

The Scottish Executive also recognises that there is a need for more information about the issue of exclusion orders and interdicts to establish whether needs are being met. The Scottish Courts Service will establish a computerised system of statistical collection for court actions in 2001. Consideration will then be given to establishing a data collection system which will be gender disaggregated.

8.16 Refuge Provision

Some women and children experiencing domestic abuse wish to leave their homes while, for a number of reasons, some choose to stay. In both circumstances they need access to a range of services.

Women's Aid provides refuge and support to victims of domestic abuse. Currently there are 39 local women's aid groups affiliated to the national office of Scottish Women's Aid and 6 non-affiliated groups. At present there are approximately 360 refuge places available throughout Scotland. COSLA's estimate of need, based on 1 refuge place per 7,500 of population, indicates that 650 places should be available.

The Scottish Executive funds the national office of Scottish Women's Aid with a revenue grant of over £200,000 under sections 9 and 10 of the Social Work Services (Scotland) Act 1968 and £120,850 through the Housing Grants scheme to help develop both refuge and permanent housing options for abused women who would otherwise be homeless. This includes research into the problems that women who have been rehoused have in sustaining their tenancies. Local Women's Aid groups are funded by local authorities.

The Scottish Executive has provided over £600,000 to Scottish Women's Aid (national office and local groups) in the financial year 2000/01 to produce training packages for professionals and a leaflet for children and young people; to translate existing leaflets into ethnic community languages; to improve disabled access to refuges and offices and to improve facilities in refuges and offices for children and young people.

8.17 Barriers to Accessing Service Provision

Women may fail to obtain the help they need either through lack of knowledge of the services that are available to them or because they are failed by the service they turn to.

Specific groups of women and children have been found to face particular barriers in accessing services.

- Those with disabilities face obvious difficulties in gaining physical access. There are also issues surrounding the provision of information in appropriate formats as well as problems where a carer is the abuser.
- Those from rural areas face difficulties because provision is unevenly spread throughout Scotland, with a concentration of services in city and urban areas. Physical isolation, lack of access to transport and lack of accessible information are all barriers to accessing provision.

- Women from ethnic minority groups may be marginalised and isolated from the wider community, they may have language difficulties and they may face racial discrimination. An added difficulty may be that leaving the abuser means leaving the community.
- Women using drugs or alcohol or with mental health problems may also experience difficulties. It is important to reach and support women who turn to alcohol or drugs to cope or for self-harm after violence.

8.18 Refuge Development Programme

The Action Plan in the National Strategy to Address Domestic Abuse in Scotland identifies the provision of sufficient refuge accommodation to meet the needs of the population as a priority for action. Specifically the Action Plan calls for:

- A review of the COSLA recommendations for refuge spaces and how far they have been met, with analysis and subsequent revision if required;
- The provision of the required level of refuge spaces to meet the needs of the population, recognising the diversity of needs and meeting the needs of disabled women and children, and women and children from black and ethnic minority groups; and
- The provision of refuge and other services to meet the needs of women who may not currently have access to provision, including women using drugs or alcohol, lesbian women, women from travelling communities, women with learning disabilities, older women, women working as prostitutes and women with mental health problems.

The Scottish Executive has responded by providing £10 million, to be channelled through Scottish Homes, over the 3 years from April 2001 to either build or purchase new refuges or to adapt, extend and upgrade existing ones. (£2 million is available in 2001/02, £2 million in 2002/03 and £6 million in 2003/04). The target is that by 2004 any abused woman who needs a place in a refuge will be able to get one.

This £10 million builds on the £2,076,938 provided by Scottish Homes for capital projects, to be carried out in 2000/1 and 2001/2, to provide more refuge spaces and move-on accommodation.

8.19 Local Authority Provision

If a woman becomes homeless because of domestic abuse, then the local authority has a duty towards her as set out in 7.12. In addition the 1997 Code of Guidance advises that local authorities should always seek to secure permanent accommodation with security of tenure for unintentionally homeless people in priority need; and that placement in another authority's area, with the woman's consent, may be useful where there is a need to get away from the perpetrator of violence. Local authorities also have the power to repossess and transfer council tenancies. In the case of a relationship breakdown, this could be used to transfer the tenancy to a woman at risk and away from a violent partner.

8.20 The Role of the Health Service

The GP is often the first professional to whom a woman suffering abuse will turn. Individuals have a right to see their GP in private and to talk to them in confidence about their situation and health.

In April 1999 Health Boards distributed to every GP in Scotland the Royal College of General Practitioners guidance on the role of the GP when he or she comes across evidence of domestic abuse. The guidance stresses the importance of the GP's response to a woman's first attempt – often very tentative – to seek help. It outlines the warning signs to look out for and the importance of asking a woman directly if she is a victim of violence. It identifies the importance for some of speaking to a woman health worker and stresses the importance of helping women to draw up their own safety plan, rather than trying to impose a solution on them.

The guidance recognises that domestic abuse often begins with the first pregnancy. It highlights signs of injury in pregnancy and the history of miscarriage as key warning signs that abuse may be occurring.

New Guidance for Healthcare Professionals is currently being prepared by a working group chaired by Professor Sheila Hunt, Dean of Nursing at Dundee University, and serviced by the Executive. It will be published towards the end of 2001.

EXECUTIVE PLEDGE

The Scottish Executive has made a clear and unequivocal commitment to reducing the damaging effects of violence against women. This Report outlines the framework for targeting the main concerns about violence against women. The issues involved are complex and the many agencies and organisations involved need to work in partnerships to solve them. The Executive wishes to pay tribute to the many individuals and voluntary organisations and public bodies working to reduce the extent and alleviate the consequences of all violence against women. The Executive will work with all relevant bodies and organisations to create an environment in Scotland in which women feel and are safe. "Preventing Violence Against Women" will be issued on a triennial basis to report progress and provide information about new developments.

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