

Cross Party Group on Men's Violence against Women and Children

17th September, 18.00-19.30 via Zoom

Minute

1 Present

MSPs

Rona Mackay (RMack), MSP
Beatrice Wishart (BW), MSP

Invited guests

Laura Paton (LP), HM Chief Inspector of Prosecution in Scotland
Dr. Emma Forbes (EF), National Prosecutor for Domestic Abuse
Yvonne Wilson (YW), SACRO
Mollie McGoran (MMcG), attending on behalf of Gillian Mackay MSP

Non-MSP Group Members

Humara Bashir (HB), Central Advocacy Partners Falkirk
Nicola Gilbert (NG), Scottish Women's Aid
Liz Gilchrist (LG)
Ann Hayne, (AH) NHS Lanarkshire
Alice Jackson (AJ)
Louise Johnson (LJ), Scottish Women's Aid
Elena Kerr (EK), UN House of Scotland
Rebecca Mason (RM), The Young Women's Movement
Catherine Robertson (CR), Zero Tolerance
Ann Robertson Brown (ARB)
Linda Rodgers (LR), Edinburgh Women's Aid
Christina Schmid (CS), NUS
Marsha Scott (MS), Scottish Women's Aid

Apologies

Hannah Brisbane, Engender

Amber Cully, GEMAP

Dawn Fyfe, Wise Women

Lily Greenan

Laura Martins, Close the Gap

Susan McKellar, Scottish Women's Convention

Lily Thompson, Women's Support Project

2 Theme: Prosecution of Domestic Abuse

A.

- Laura Paton, HM Chief Inspector of Prosecution in Scotland
 - LP gave a presentation entitled 'The Prosecution of Domestic Abuse Cases at Sheriff Summary Level'.
 - The report contains 27 recommendations.
 - The presentation covered the following areas:
 - Evidence base
 - Key Findings
 - Supporting, protecting and engaging with victims
 - Examples of poor communication
 - LP then went on to talk about 'What happens next'?

B.

- Dr. Emma Forbes, National Prosecutor for Domestic Abuse
 - EF delivered a presentation entitled 'Improving Justice for Victims of Domestic Abuse: COPFS Response to the HMIPS Report'.
 - EF
 - Agreed with all points made by LP in her presentation.
 - Saw the report as a mandate for change.
 - Acknowledged the delays which had greatly increased post-COVID.
 - Shared that the Deputy Crown Agent for Local Court had been appointed and that there was commitment from the top to meet the specific and challenging report recommendations swiftly.
 - Stressed the need for cultural change in treating victims of domestic abuse. That there was still institutional disbelief of women's words.
 - Highlighted that deputes had found it very helpful to meet victims early on in the process, that this helped in the prosecution of cases.

- Informed members that an important element had been the involvement of a lived experience panel.
- October had been nominated as Domestic Abuse Awareness month.

C.

- **Question and Answer Session, following the two Presentations**

- RMack thanked both speakers for their highly informative presentations.
- MS commented:
 - There was a need for a conversation about bail conditions and what we can all do to improve the understanding of how critical it is for women to feel the court is taking their danger seriously.
 - When 30% of cases in court are domestic abuse cases, those are a matter of good practice, rather than a specialist area of prosecution.
 - MS highlighted that there seemed to be a move to depress demand for remote/video evidence. The option of a remote link, by video, was helpful to women giving evidence.
 - MS asked if it was possible to quantify if the issue was a matter time/money, to make it easier to make concrete asks for the required resources.
 - With regard to Domestic Awareness month, MS asked what were the accountability mechanisms being considered and embedded in the infrastructure of how the Crown Office works, to make sure all of the change is sustained, encouraging improvement, but also encouraging accountability in behaviour change.
 - MS thanked both speakers for the work they are doing to improve the current situation.
- AH
 - Mentioned elements that could skew statistics regarding male and female victims in domestic abuse.
 - Re. Domestic Awareness month, AH shared that she had done some sessions for the Scottish Women's Rights Centre on domestic abuse, trauma and understanding the woman's experience of trauma.
- RMack
 - RMack said that she and BW could certainly make a motion for domestic abuse awareness month in Parliament and perhaps a members' debate to help highlight the issue.
 - RMack asked for further information about the situation in Scotland regarding training of social workers in relation to coercive control.

- MS
 - MS answered that this would form part of the Scottish Women's Aid conference in November. Social work curricula are set up by individual universities, without national control. This could result in domestic abuse forming a small part of the curricula and also a postcode lottery.
 - A possible solution could be domestic abuse becoming a controlled subject (in the same way as areas, such as, child protection), helping increase government influence over when and how often it is taught.
- RMack
 - Asked if EF and LP considered that the Victims and Witnesses Bill would make a difference to some of the issues they had highlighted – e.g. in communication.
- LP
 - LP answered that the previous Victims and Witnesses acts have also included provisions around the need for better communication with victims.
 - For LP it was more a matter of putting existing good legislation, ideas, duties and policies into practice.
 - There were various reasons as to why this was not already happening, including resources and culture.
 - The need for empathy was vital in the area of communication with victims.
 - It was necessary to consider what the Crown wants to achieve with the Act as regards communication. Once that question is answered, it is easier to organise the service to meet that need.
 - Overall, it was a matter of issues around implementation and the factors that are preventing that from happening.
- RMack
 - Asked about what seemed to be limited progress on domestic abuse protection orders, which had been introduced from legislation passed in 2021.
 - EF confirmed that the Act had been passed, but the provisions haven't been implemented. Also, that the provisions of the Act had largely followed the provisions of England and Wales, for example, in the use of diversion.
- MS
 - MS spoke about conversations held with Police Scotland, with some ministerial engagement.
 - Stating that:
 - The current leadership at Police Scotland were keen to implement domestic abuse protection orders and to make further progress with the implementation of the provisions of the Act,

overcoming practical issues such as resources and who would issue the orders.

- MS stressed the importance of post-legislative scrutiny and deadlines to encourage implementation.
- LP
 - Spoke to the issue of bail conditions and steps that could be taken to improve matters when the police attend an incident. It was felt that the police needed to ask a woman about the kind of bail conditions she felt would help ensure her safety. and that this, in turn, would have an impact on how the case would proceed.
 - It was also highlighted that the Crown, as well as the defence, could seek a review of bail conditions, where the woman felt that her needs were not being met.
 - Also, that more work was needed around awareness of bail conditions review among sheriffs, as well as an understanding of risk posed to women.
 - LP spoke to reports of breaches of bail seeming to not be taken seriously and women being asked by police to investigate and gather evidence (e.g. neighbours doorbell footage) of breaches of bail.
 - There was a clear need to review how incidences of bail breaches were investigated.
 - It was vital that, once reported, women felt safe until their case reaches an outcome.
- EF
 - In relation to LP's point that it's not just the defence that can seek a variation of conditions of bail, EF confirmed that this had been added into the IDAA manual, and that the police could arrest someone for a breach of bail, and could bring someone back to court for a reconsideration of bail, where there is the suspicion it is being breached. In that case, it would not need to be a corroborated offence. This is in the 1995 Act.
 - In relation to MS's question about depression of use of remote video links, EF reported it is possible that, where a remote link is used, there is a greater chance of the case being adjourned, due to technical difficulties. This would have a significant impact on already large case backlogs. It was also the case that not enough courts can provide a remote link. It was true, however, that this was masking an underlying problem.
 - Regarding MS's question about domestic abuse being considered a specialism within court cases, there was a need to be domestic abuse competent in cases, but there was also a need to differentiate between different kinds of cases, so that individual cases could be treated appropriately.

- EF agreed entirely with the importance of the issue of accountability and that it would affect training across the COPFS and not just regarding domestic abuse cases.
 - EF reported that she had flagged the importance of prioritising training to the senior executive team and that it was now on their action log for their monthly meetings and that they are proactively taking steps to ensure staff are released for training.
 - LG
 - It would be helpful for lawyers to have training in what the risk assessment means in terms of type, profile, risk, and so on, for the court.
 - Re. DAPO legislation in England, money is being invested in identifying what diversion would look like and that there was the opportunity to do that in Scotland.
 - EF
 - EF responded to LG's points, saying that there had been helpful conversations with the Risk Management Authority.
 - EF had some concerns that research shows that, when the police fill out a domestic abuse questionnaire, they consistently get a lower risk score than when it is filled out by an independent domestic abuse advocate, asking the same questions.
 - In the model applied in Scotland, that could result in a victim being asked the same questions twice over a 24 or 48-hour period, which can contribute to women feeling they are not heard.
 - LJ
 - LJ asked in the Zoom Chat about:
 - The COPFS response to their need to provide the court with enhanced information regarding perpetrator risk, given the new bail test under Bail and Release from Custody(S) Act 2023 and information from the policy. LJ also asked how this must include information about child contact, civil orders and so on.
 - LP Responded in Zoom Chat, writing:
 - That she did not believe there is good data on this. The only information she was aware of, of the Crown opposing most bail applications but them being granted by the court anyway, was collated through a manual trawl of cases.

3 Cross Party Business

A. Approval of 23rd April 2024 Meeting Minute

- The minutes of the CPGMVAWC meeting held on 23rd April 2024 were approved as an accurate record – proposed by Marsha Scott and seconded by Linda Rodgers.

B. New Member Applications

A. Lucia Dahlby.

- Lucia Dahlby was welcomed as a member of the Cross Party Group on Men's Violence against Women and Children.

4. Member Updates

A. Member Spotlight: Limitless Project, Anne Robertson Brown

B. Young Women's Movement, Rebecca Mason

Unfortunately, due to time constraints, the two-member spotlight presentations had to be postponed. Instead, Anne Robertson Brown and Rebecca Mason kindly agreed to their presentations forming the thematic item on the agenda of the next meeting of the CPGMVAWC. This would allow the two subject areas full scope.

5. Any other Business

- MS
 - Echoed Emma's call, to invite people to support the Her Freedom Scotland social media campaign.
 - Highlighted the Scottish Women's Aid external conference, taking place on 11th November. The focus of the conference will be child contact, both in terms of human rights violation in the context of human rights cases and also as a challenge for social work and other members of the public sector.
- CR
 - Drew attention to the Zero Tolerance report with disabled women. It is a research report on the impact of men's violence against disabled women. Copies will be circulated to members of the Group.
- RMack
 - RMack highlighted a bill, being introduced in the next few weeks, the Criminal Justice Modernisation and Abusive Domestic Behaviour Reviews. Justice Clark confirmed that this dual-purpose bill will make permanent some of the temporary justice measures in the CORONA

Virus Recovery Reform Scotland Act 2022, and it introduces measures that will modernise criminal justice processes. It will also provide a legislative framework for Scotland's first national multi-agency domestic homicide and suicide review model.

6. Date and Time of next Meeting

- The next meeting will be the Group's AGM, date to be confirmed.