

# *National Strategy to Address Domestic Abuse in Scotland*

## *strategy*

### THE NATIONAL STRATEGY

This strategy identifies the key actions which are required to tackle domestic abuse in Scotland from 2000-2003.

The first section describes the overall strategic approach which will be adopted and the second section provides a more detailed action plan to translate these principles into practice.

### THE STRATEGY IN CONTEXT

Domestic abuse is one aspect of a range of forms of violence against women, all of which must be tackled in Scotland. This document must be seen as part of an overall strategy to address all forms of violence against women, and although the work which is recommended in this document focuses upon domestic abuse (as this was the original remit of the Partnership), members of the Partnership have recognised the need to establish clear links to the wider issue and to suggest that, in the future, the issues of violence against women and domestic abuse should be considered together, as part of a coherent overall approach. Many of the initiatives recommended in the action plan have wider implications in tackling related aspects of violence against women, and the structure which develops in the future can be used to address these issues together.

It is also important to recognise that, in tackling domestic abuse, this strategy is rooted in a commitment to promote equality and to end discrimination and social exclusion. There is a need not only to address issues relating to gender inequality, but also to recognise and address, throughout the actions which develop, the specific issues facing women/children from black and minority ethnic groups, disabled women/children (including those with physical impairments, mental health problems and learning disabilities) and other groups facing particular forms of discrimination and exclusion.

It is also important to recognise that there are links across policy areas in tackling domestic abuse, and this strategy should be seen as connecting to and strengthening other objectives. There is a need for clear links to be established in the work which is undertaken by a range of policy makers and practitioners, and for consideration of the potential impact of policy and practice on violence against women to form a key part of the mainstreaming of equalities issues.

### INTRODUCTION

Many women and many children in Scotland live with the constant threat of domestic abuse, affecting their physical and emotional well-being and constraining their lives<sup>1</sup>. At least a quarter to a third of all women in Scotland will experience domestic abuse at some point in their lives, and the level of "repeat victimisation" is high. There is evidence that violence escalates in frequency and intensity over time, and may increase at specific points in a woman's life (such as, for example, during pregnancy and following the birth of a child) or at particular times (such as separation or divorce).

<b>THIS STRATEGY RECOGNISES THAT DOMESTIC ABUSE IS NEVER ACCEPTABLE AND WILL NOT BE TOLERATED</b>
---

## THE NATURE OF DOMESTIC ABUSE

Any work relating to domestic abuse is part of the promotion of human rights in society and the elimination of all forms of discrimination. There are many forms of violence in society and all forms of violence are unacceptable. Many groups, for example women, experience greater levels of some forms 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 also necessary to take account of the specific experiences of particular groups of women and to ensure that any provision which is made is relevant and appropriate to them. For black and minority ethnic women, for example, there may be additional difficulties of racism, language, literacy, isolation, stigma, fear of the abuser's family, threats of deportation (from family members) and threats of separation from children.

Domestic abuse is most commonly perpetrated by men against women and takes a number of specific and identifiable forms. The existence of violence against men is not denied, nor is the existence of violence in same sex relationships, nor other forms of abuse, but domestic abuse requires a response which takes account of the gender specific elements and the broader gender inequalities which women face. In this context, the definition adopted is as follows:

**Domestic abuse (as gender-based abuse), can be perpetrated by partners or ex-partners and can include physical abuse (assault and physical attack involving a range of behaviour), sexual abuse (acts which degrade and humiliate women and are perpetrated against their will, including rape) and mental and emotional abuse (such as threats, verbal abuse, racial abuse, withholding money and other types of controlling behaviour such as isolation from family or friends).**

In accepting this definition, it must be recognised that children are witness to and subjected to much of this abuse and there is some correlation between domestic abuse and the mental, physical and sexual abuse of children. Domestic abuse is associated with broader gender inequality, and should be understood in its historical context, whereby societies have given greater status, wealth, influence, control and power to men. It is part of a range of behaviours constituting male abuse of this power, and is linked to other forms of male violence. Domestic abuse occurs in all social groups, is not caused by stress, unemployment, poverty, alcohol or mental illness, nor by the women who experience the abuse.

It must also be recognised and taken into account that, particularly among black and minority ethnic communities, other family members connected to a woman through marriage may be involved in, or may participate in the abuse of the woman. In certain cases, abuse is perpetrated by other family members, even without the knowledge of the partner. In addition, there is abuse of women by members of their own families in the context of forced, as opposed to arranged, marriages or as a result of their failed marriages or divorce.

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

## THE PURPOSE OF THE STRATEGY

The Workplan of the Scottish Partnership on Domestic Abuse, which was approved on 27th October 1999, identified the areas on which the Partnership should focus during its operation. One of the key tasks identified within the Workplan was the development of a national strategy to tackle domestic abuse and to take the work forward in the future.

The purpose of the strategy is to address and prevent domestic abuse, and to identify the ways in which services should develop, as well as raising awareness of the nature of domestic abuse.

There is an urgent need for effective intervention strategies to prevent male violence against women and their children and to identify the best means of improving the responses of service providers in Scotland to women or children who experience domestic abuse. This includes recognising and addressing the specific issues facing particular groups of women/children, such as those from black and minority ethnic groups, disabled women/children, and those in rural areas. It also includes addressing the issues facing children and young people themselves. It is also important to recognise the need to make provision which can address the needs of both women and children at a range of stages, some of whose needs may only come to light long after their experience of abuse.

## **THE AIMS OF THE STRATEGY**

The ultimate goal of the strategy is clearly to take all practicable measures towards the elimination of domestic abuse, including a clear acknowledgement that responsibility for abuse lies firmly with the perpetrator. It is essential that action is taken against these perpetrators and that their behaviour is challenged and addressed through a range of means. The main concerns at present, however, must be with meeting the diverse needs of women or children in Scotland who experience abuse and with working towards the development of a society in which domestic abuse will not be tolerated. This includes reducing the incidence of domestic abuse, increasing the reporting and improving services.

### **THE AIMS OF THE STRATEGY ARE . . .**

#### **Prevention**

**active prevention of domestic abuse of both women and children;**

#### **Protection**

**appropriate legal protection for women or children who experience domestic abuse;**

#### **Provision**

**adequate provision of support services for women/children.**

Women who are abused face a range of difficulties, including the problems created by the effects of the abuse upon them, worries about the effects of leaving on the children, fear of the abuser and the range of practical issues which must be addressed in order to leave permanently or even temporarily. Many women stay with their abuser, for a range of reasons.

All women or children who experience abuse must receive the support and services to enable them to identify their needs, to make choices and to have these needs addressed, as well as to participate in developing services to address their needs in the future. It should be recognised that children require services which meet their specific needs.

## WHO IS THE STRATEGY AIMED AT?

The strategy does not aim to provide an exhaustive list of those who have a role in addressing domestic abuse. There is a need to recognise that a wide range of individuals and organisations have a part to play in this process, and that all have a responsibility to challenge male abuse.

**THIS STRATEGY IS AIMED AT POLITICIANS, POLICY MAKERS, SERVICE PROVIDERS AND THE PUBLIC IN SCOTLAND, ALL OF WHOM HAVE A ROLE IN THE ELIMINATION OF DOMESTIC ABUSE AND IN SUPPORTING WOMEN OR CHILDREN WHO EXPERIENCE THIS.**

There is a need for political direction to ensure that a clear and consistent message is provided, alongside a consistent approach to prevention of abuse and provision of services to both women and children. There is also a need for commitment and leadership (and continuing long term commitment) from senior decision makers across organisations involved in preventing and responding to abuse, including, for example, local authority Chief Executives, Chief Constables, Chairpersons of Health Boards, those involved in all aspects of the criminal justice process and a range of others. Members of the community at all levels also have a role in implementing the strategy.

The following service providers have been identified as those which are most likely to be involved in working to address domestic abuse or to meet the needs of women/children (although it is not intended that this list is exhaustive). These organisations may be required to undertake preventive work, to respond to women or children when they are experiencing abuse or when longer term effects become apparent subsequently, or to deal with the perpetrators of abuse:

- Women's Aid
- Benefits Agency
- Police
- Legal Professionals
- Social work services
- Crown Office and Procurator Fiscal Service
- Education services
- Other local authority departments
- Housing services
- Court services
- Health and medical services
- Scottish Prison Service
- Rape Crisis
- Scottish Children's Reporter Administration
- Other specialist voluntary organisations

## THE FOUNDATIONS OF PROTECTION FOR WOMEN/CHILDREN

There are a number of relevant policies and legislation which impact upon the response to women or children experiencing domestic abuse, some of which are as follows:

- The United Nations General Assembly has established domestic abuse as a human rights issue<sup>2</sup>;
- The fourth UN World Conference on Women in 1995 adopted a Global Platform for Action to improve the status of women world-wide, committing signatories to the development of plans to address violence against women;
- States have a duty, through the UN Convention on the Rights of the Child, to take all the appropriate measures to protect a child from physical or mental violence, injury or abuse, negligent treatment, maltreatment or exploitation, including sexual abuse<sup>3</sup>;
- States must take measures to protect their citizens and legislation must be compatible with relevant European Human Rights Convention rights<sup>4</sup> (although it has been recognised it is important to ensure that this legislation is used to protect women/children and not to enable the release of perpetrators of abuse);
- The Council of Europe is drafting a recommendation to member States for the protection of women and young girls against violence;

- Children who experience domestic abuse could be regarded as "children in need" under the Children (Scotland) Act<sup>5</sup>;
- The UK government has expressed a commitment to tackling domestic abuse;
- The Scottish Executive recognises the links between violence and broader gender inequalities<sup>6</sup> and a media campaign focuses on raising awareness of the issue.

**IT IS NOW RECOGNISED NATIONALLY AND INTERNATIONALLY THAT THERE IS A NEED TO TACKLE DOMESTIC ABUSE.**

A number of service providers are involved in meeting the needs of women or children who experience domestic abuse in a range of ways, some of which are specified directly in legislation and guidelines. It is recognised that the role of these service providers is more complex than the provision which is specified in law and policy, but the following provides a brief overview of their involvement.

It is not intended to provide a full description of service provision, and this strategy does not explore the complex decisions which are required and the problems which organisations may face in translating legislation and guidance into practice. Further information in relation to the roles of each organisation and some of these issues can be obtained in the range of literature specified earlier.

Some of the ways in which organisations become involved in domestic abuse work, through the existence of statute or guidance, include the following:

- The police attend incidents, investigate alleged assaults, identify whether a crime has been committed and take action against perpetrators, as well as having a role in responding to breaches of legal orders and providing information on available services to women who experience abuse;
- Local authorities are involved in a range of ways, through the housing, social work and education services, and often corporately;
- Local authorities have certain statutory duties viz to ensure immediate accommodation is made available for occupation by people who become homeless, are not intentionally homeless and have a priority (e.g. pregnant women and those with children in their care). Where a person cannot remain in their home because it is probable that they will be subjected to violence then they are to be considered homeless<sup>7</sup>. Local authorities also have power to and are being encouraged to transfer tenancies to abused women;
- Local authorities have a legal duty to safeguard and promote the welfare of children in need in their area, as well as to prepare and publish children's services plans<sup>8</sup>. The local authority (most usually the social work service) will be responsible for supervision where a child is placed under a supervision requirement by a children's hearing and may also be involved where voluntary measures are agreed with the Reporter. Social work services may also become involved in providing advice to both women and children (although they have no statutory remit for adult women who experience abuse). Some Criminal Justice teams undertake work with perpetrators of abuse (on a statutory basis where a court order is in place);
- Education staff can support children and can have a role in challenging attitudes, raising awareness of abuse and in the prevention of abuse. Women may also have contact with community-based education groups;
- Health services may be involved through a range of service providers. They may be involved in treating injuries, in the provision of emotional support and advice, in assisting women or children to gain access to other services and in providing evidence to support legal actions. Health services may also be involved in preventive work in relation to domestic abuse;
- Specialist organisations (particularly Women's Aid, but including Rape Crisis, Victim Support, children's and families' organisations such as ChildLine Scotland, Children 1st, Family Mediation Scotland and a range of others) provide specialist support (such as, for example, housing, advice, information and emotional support). Family

Mediation Scotland provides contact centres which may reduce the risk to children in contact with abusers (although the Partnership recognises Women's Aid's concern that there should not be automatic contact and that there may be a need for legislative change). The Zero Tolerance Charitable Trust undertakes a range of preventive and awareness raising work;

- Other organisations can include the Benefits Agency, legal professionals (legal actions, court orders, property settlements/issues of contact and residence), Procurators Fiscal and Crown Office (in prosecuting perpetrators), the judiciary (in civil and criminal actions, including orders for protection of children, such as the exclusion of abusers<sup>9</sup> and non-harassment orders<sup>10</sup>) the Scottish Children's Reporter Administration (where there is a need for the care and protection of the children) and the Scottish Prison Service.

## **PROBLEMS IN TACKLING DOMESTIC ABUSE**

Although there is an increasing awareness of domestic abuse and a range of service providers have a role in addressing this, recent research demonstrates clearly that there remains a need to develop awareness raising, preventive work and service provision.

Increasing research has highlighted gaps in service provision, and during 1997 (and the early part of 1998), a number of separate reports were produced in Scotland, exploring different, although related, aspects of domestic abuse. A number of key overall problems emerged from this research, along with many more specific problems which are not detailed individually, but relate to issues such as the provision available in specific areas and to the responses of individual services to women or children experiencing domestic abuse.

### **THE MAIN PROBLEMS IN TACKLING DOMESTIC ABUSE ARE . . .**

- **An overall response which has been inconsistent and largely unco-ordinated;**
- **Data which is not collected routinely nor in a standard format;**
- **A lack of shared action at a national or a local level;**
- **Constrained access to services for both women and children through a lack of information, confusion about service providers' roles, inconsistent geographical provision, inconsistent funding and lack of funding, variations in application of resources, lack of consistent commitment from decision makers, the provision of responses which may be inappropriate, and a lack of overall co-ordination, training and monitoring.**

## **THE ACTIONS NEEDED/THE ACTION PLAN**

In order to address the aims set out at the start of the document, this strategy recommends an overall framework for action at both national and local levels.

**THE IMPLEMENTATION OF THE STRATEGY REQUIRES A CONTINUING COMMITMENT BY ALL OF THOSE INVOLVED IN PREVENTING AND ADDRESSING DOMESTIC ABUSE THROUGH CO-OPERATIVE WORKING AND THE DEVELOPMENT OF THEIR POLICY AND PRACTICE TO MEET THE NEEDS OF BOTH WOMEN AND CHILDREN.**

### **• POLICY AND LEGISLATION**

There has been a lack of a coherent overall approach to domestic abuse in Scotland and a growing recognition of the need to consider the nature and use of current legislation. Organisations use differing definitions of domestic abuse and many are unclear about their role in responding to domestic abuse. There is a need to develop clear policies and guidelines for all agencies involved in addressing the issue. There is



also a need to ensure appropriate and effective legislation to tackle domestic abuse, to ensure the enforcement of existing legislation and to consider the need for new legislation.

- **ACCESS TO SERVICES**

There is a need to ensure that all women or children who experience domestic abuse (including women/children who may face specific issues, as identified earlier, such as those facing women/children from black and minority ethnic groups, disabled women/children and women/children in rural areas, as well as other groups experiencing exclusion) are aware of, and have access to, a range of appropriate services and support to meet their needs. This should include provision in areas such as, for example, accommodation, finance, health, education, transport and emotional support.

- **EDUCATION AND TRAINING**

Children and young people, adults, men and women, vary in their level of understanding of domestic abuse. The level of understanding also varies within and between agencies. There is a need to challenge and change attitudes which perpetuate domestic abuse, which cannot be tackled effectively without education and training.

- **DATA COLLECTION AND INFORMATION**

There is a need to develop statistical information, undertake monitoring and consultation with women/children and draw information together, developing consistent methods of collection and systems alongside other initiatives. This should be done in conjunction with experts in the field and existing multi-agency groups, in order to develop a coherent picture of domestic abuse in Scotland to inform future work, and the information should be disseminated widely.

## **STRUCTURE FOR IMPLEMENTATION AND LINKS TO LOCAL WORK**

Although the strategy and the details in the action plan focus particularly on the national developments which are seen to be required, it is clearly essential that developments at a local level also take place, and are consistent with this focus. These should be developed at a local level by the key organisations, working on a multi-agency basis.

It is envisaged that the structure for taking the work forward will be as follows:

- An overall national multi-agency group to consider violence against women;
- Specific issue-based working groups with co-opted experts for each issue;
- Local multi-agency groups (which already exist in many areas).

The national group will comprise a small number of experts to oversee strategic developments in relation to violence against women, including domestic abuse as a central part of the remit. It is envisaged that the group might include representatives of the voluntary sector, central government, local government, the law and the health sector, along with a member with expertise in finance. The group will meet three times a year and will have a role in considering and overseeing the overall direction and implementation of the work, as well as providing advice to officials and Ministers.

The issue-based working groups will comprise co-opted members identified for their expertise in a particular area of work. These will be time-limited groups that will take forward specific national work. The remit of these will vary and change, but might include at the start a group focusing on each of prevention, protection and provision. They will consult widely with local multi-agency groups as issues arise and will report back to the national strategic group.

The local multi agency groups will continue to be responsible for the development of local strategies and actions and for taking forward the work at a local level. Prior to each meeting of the national group, information will be gathered from each of the local multi-agency groups relating to current initiatives. This information will be summarised and circulated to all of the local groups in order to share good practice. The national group will also disseminate any other information that becomes available. Representatives of each local group will be brought together at a national seminar once a year, in order to review overall progress, highlight key issues and encourage networking. An annual report will also be provided on progress against the action plan.

This framework provides the overall context within which local areas should develop their own initiatives. Each local area should adopt this national strategy and definition of domestic abuse, as this will be essential for coherent work in the future. Local groups may also wish to consider the adoption of a remit to include the consideration of wider issues relating to violence against women, given the links between domestic abuse and other forms of violence against women which have been identified by the Partnership and the consequent broader remit which is proposed for the national group.

Local groups should also adopt and work to the good practice guidelines and service standards. Each area should develop its own local strategy and action plan which are consistent with this national approach, but which reflect the specific needs in the local area. Local policies should reflect the principles contained within the national strategy.

The detailed local work required is a matter for determination by the local groups and has not been specified within the strategy, except where it relates directly to national actions. Where actions that are specified do have implications for local areas, this has been identified in the action plan and will require further consideration as local strategies are developed.

## REVIEWING THE STRATEGY

This strategy has identified key areas of work which are seen to be required to address domestic abuse in Scotland and should form the basis of work which is undertaken at a national level during the following three years, as well as helping to focus the actions in local areas upon those aspects of work which are considered to be essential to the development of services.

A number of outcome measures for reviewing the strategy have been identified and are suggested in the Action Plan.

**THE MAIN MEASURES OF THE SUCCESS OF THIS STRATEGY WILL BE TO REDUCE THE LEVELS OF UNMET NEED FOR SERVICES AND TO IMPROVE THE EXPERIENCES OF WOMEN OR CHILDREN SEEKING SUPPORT WHEN THEY EXPERIENCE DOMESTIC ABUSE AND, ULTIMATELY, TO REDUCE THE INCIDENCE OF DOMESTIC ABUSE**

In many ways, however, the success of this strategy may be identified, in the shorter term, by an **increase** in the level of service use, as more women/children become aware of the support which is available and are enabled to use services.

This strategy will enable further developments in preventive work and service provision in relation to domestic abuse in the coming years.

The Partnership has established priorities for action, but has not specifically costed each, as this will require expertise outwith the membership. It is recommended that Ministers should take the costing forward with an appropriate financial advisor.

The Partnership recognises that these actions and priorities will have significant cost implications. Members believe that these costs must be considered against the current high



cost of violence against women to the government, local services and other organisations and that the assessment of costs and benefits will demonstrate the value of tackling such violence.

The remainder of this document presents the Action Plan which will translate the Strategy into action through a number of key initiatives to address domestic abuse.