

10 September 2010

1. Introduction

1.1 SCRA welcomes the opportunity to provide Stage 1 written evidence on the Domestic Abuse (Scotland) Bill. We obviously have a particular concern and interest in the impacts of domestic abuse on children and young people and welcome the additional protections offered by the Bill to victims of such abuse and, by extension, their children.

2. SCRA research and data

2.1 SCRA has conducted a number of research studies into the backgrounds of children referred to the Reporter, many of which include an examination of the prevalence of domestic abuse in the children's lives.

2.2 One study¹ found that 43% of children referred to the Reporter (on any ground) had been exposed to domestic abuse at some point.

2.3 In relation to children referred aged between 0-2 years, 66% of the children in the sample had backgrounds involving domestic abuse².

2.4 Of a cohort of children subject to a Child Protection Order in Edinburgh³, 75% had backgrounds involving domestic abuse.

2.5 Another research report⁴ looked at the backgrounds of children given secure authorisations as a condition of a Supervision Requirement or Warrant by a Children's Hearing and found that 51% had witnessed domestic abuse.

2.6 A final study⁵ examined the backgrounds of children identified as posing a risk of serious harm to themselves or others. Of the 22 children in the sample, domestic abuse had occurred within the family for 14 of them (64%). In half of the cases this was first recorded when the child was five years old or younger.

3. Detailed response

3.1 We note that the Children's Hearings (Scotland) Bill, which is currently undergoing Parliamentary scrutiny, includes a new ground of referral for children exposed to the perpetrators of domestic abuse (currently children can be referred under either s.52(2)(c) or (d) of the Children (Scotland) Act 1995).

3.2 We recognise the challenges in producing a statutory definition that strikes the right balance between tightly drafted legal certainty and provision of flexibility to police, prosecutors and Reporters. For that reason, we agree with Scottish Women's Aid that the statutory definition should be removed from the Bill.

¹ *Social Background Study (SCRA 2004)*

² *Children aged under 2 years referred to the Reporter (SCRA 2009)*

³ *A Study of Children Subject to Child Protection Orders in Edinburgh 2006/2007 (SCRA 2008)*

⁴ *Secure Authorisations in Scotland's Children's Hearings System (SCRA 2010)*

⁵ *Children who present a risk of serious harm (SCRA 2008)*

4. Conclusion

4.1 It is clear from our research that experience of, and exposure to, domestic abuse is a common factor amongst children referred to the Reporter and that it tends to be more prevalent among those children identified as being particularly vulnerable or troubled. For that reason, any moves to provide greater protection from such acts is to be welcomed. SCRA is therefore supportive of the Domestic Abuse (Scotland) Bill, subject to the comments above regarding the definition.

SCRA

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