



The Scottish Parliament
Pàrlamaid na h-Alba

Audrey Nicoll
Convener
Criminal Justice Committee
The Scottish Parliament
Edinburgh
EH99 1SP

Dr Pam Gosal MSP

3 September 2025

Dear Audrey,

Re: Prevention of Domestic Abuse (Scotland) Bill

This letter follows up the evidence session on 25 June 2025 and provides some further clarification in relation to the aspects of the Prevention of Domestic Abuse (Scotland) Bill raised by Committee Members during the evidence session.

Reconviction rates

During the evidence session, I was asked about the extent to which notification requirements for domestic abuse offenders, based on the Sexual Offences Act 2003, would act as a deterrent, and about the evidence confirming that those requirements have had an impact on the behaviour of the sex offenders. In clarifying how the measures in my Bill will reduce and prevent domestic abuse offending, I referred to the Scottish Government's 2020-21 statistics on Reconviction Rates in Scotland as supporting evidence. Sex offenders are already subject to notification requirements and there is significant evidence that they are less likely to reoffend. The statistics show that around 8.8 per cent of sex offenders went on to commit another offence, in comparison with 20.5 per cent for those convicted of domestic abuse. The sex offender reconviction rate can be found in table 6 and the domestic abuse reconviction rate – in table 8c of the Reconviction Rates in Scotland - 2020-21 cohort tables Excel Sheet: [Supporting documents - Reconviction Rates in Scotland: 2020-21 Offender Cohort - gov.scot](#)

Alternative Parliamentary processes

I consider bringing forward my own legislation was the most appropriate route to delivering the policy changes I so passionately want to introduce. One of the questions explored during the session was whether the provisions set out in the Bill require primary legislation and whether other legislative routes would be more

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suitable, for example, amendments to other Bills, such as the Victims, Witnesses, and Justice Reform (Scotland) Bill and the Education (Scotland) Bill. I did not consider proposing amendments to the above Bills because I do not consider that the scope of these Bills would have enabled me to lodge a series of amendments to give effect to all of the provisions included within my Bill. I also appreciate that seeking to introduce notable new policies into another Bill at the amending stages is often criticised by parliamentarians as there is insufficient parliamentary scrutiny of these policy additions at the later stages of the legislative process.

This approach of using Government legislation as a vehicle for amendments related to my policy would also have meant that I would not have had the opportunity to undertake the extensive consultation with specialists working in this area. In addition to the 12-week consultation required under Standing Orders I have also undertaken: a series of informal meetings prior to the formal consultation to form the initial policy; a series of meetings after the formal consultation to respond to issues raised in submissions to the consultation; and a further informal consultation on the introduction of the Bill to understand perspectives on the specifics of the Bill's provisions. This is with a view to bringing forward Stage 2 amendments should the Bill progress.

Domestic abuse register

I would also like to provide further clarification to the question about a domestic abuse register not being specifically referred to under Part 1 of the Bill. The Bill introduces notification requirements for most serious domestic abuse offenders who will need to provide a range of information to the Police as set out in Part 1 of the Bill (Section 3). The notification scheme details will feed into a database of domestic abuse offenders and that is what I describe, for ease of reference, as a register. It will provide the Police and other authorised bodies with a source of current relevant information about the offender's criminal history and current risk. I also use the term 'domestic abuse register', given that the requirements mirror the provisions for sex offenders in the Sexual Offences Act 2003 which led to the creation of the Violent and Sex Offender Register (ViSOR) database which is often publicly referred to as the Sex Offenders Register.

Engagement with the Scottish Government

With regards to the question about my engagement with the Scottish Government on the Bill, on 25 September 2024 I attended a meeting with Justice Cabinet Secretary Angela Constance and on 25 June 2025 I met with Minister for Victims and Community Safety Siobhian Brown. Since 2022, I have tabled multiple questions, in the Chamber where I have mentioned this element of the Bill. Even though the Scottish Government have been made aware of this Bill for a while, Ministers have not taken a stance in their responses. For example, on 18 September 2024 Siobhian Brown told the Chamber: "We await more operational detail and are not able to commit to something without seeing the full details, which I am sure Pam Gosal will appreciate" ([link to the Official Report](#)). The same was said by Angela Constance during the private meeting on 25 September 2024. Therefore, while I have engaged with the Scottish Government, these discussions did not establish its position on the policies I was bringing forward or establish any collaborative means to pursue my

policy intentions, indeed the Government decided to keep its position neutral prior to seeing the specific provisions in my Bill.

Offences relating to notification: reasonable excuse

In reference to the offences relating to notification set out in section 7 of the Bill, I was asked to clarify what would constitute a reasonable excuse provided by an offender if the offender failed to comply with the notification requirements.

Section 7(1) provides that it is an offence if a domestic abuse offender fails to make an initial notification under section 3(1), notify a change in circumstances under section 4(1) or 4(4)(b) or make a periodic notification under section 5(1); or notifies information that they know to be false for any of these purposes. It is also an offence for the offender to fail to produce their passport under section 6(4) if requested to do so by the police when making a notification.

An offence will not be committed where the person has a “reasonable excuse” for failure to comply with a notification requirement or to produce their passport. This might be, for example, where an offender does not provide the information in the required time scale because they are in hospital following an accident.

Assessment of offenders for rehabilitation programmes and services

I would also like to take the opportunity to reiterate that the provisions in my Bill in relation to rehabilitation seek to build on and strengthen the processes that already exist. There was some suggestion in questioning from Members that the provisions could duplicate or even detract from valuable work currently underway such as that delivered under the Caledonian system. This is not the case. Indeed, my intention is to ensure such rehabilitation is available as standard to offenders at every key stage of the process. At the moment, it is very dependent on the availability of the Caledonian System and other such programmes in a particular area, creating what is often referred to as a ‘post-code lottery’. I have provided below further clarification on the question of how provision in Part 2 of my Bill will fit into the existing provision of rehabilitation programmes and services.

Part 2 of the Bill provides for an assessment of the suitability of the domestic abuse offender for participation in a programme of appropriate rehabilitation services prior to sentencing, while in custody, and prior to release.

The Bill does not specifically make provision for rehabilitation services, but it establishes a pathway to ensure all offenders are assessed for eligibility for those services. I support the expansion of the Caledonian System and other accredited programmes to ensure Scotland wide provision, so that all those assessed as eligible can receive such support. The Scottish Government has committed to such

an expansion by the end of this Parliamentary session (March 2026).¹ As of 28 May 2025, the Caledonian system is currently delivered in 21 of 32 local authority areas.²

Provisions under Part 2 of the Bill interact with other existing legislation. Section 17 of the Bill (Assessment of offenders prior to sentencing) inserts a new section 203ZA in the Criminal Procedure (Scotland) Act 1995³ and will apply to those convicted of an offence on indictment involving domestic abuse (as defined in subsection (5) of the inserted section). It will also apply to those convicted in summary proceedings of such an offence but only if they have previously been convicted of such an offence, whether on indictment or in summary proceedings whether before or after section 17 comes into force.

Section 18 of the Bill (Assessment of offenders while in custody) amends the Community Justice (Scotland) Act 2016⁴ by inserting new section 34CA which deals with throughcare support for those convicted of offences involving domestic abuse whether before or after section 18 comes into force. The Bail and Release from Custody (Scotland) Act 2023⁵ amends the Community Justice (Scotland) Act 2016 to require Scottish Ministers to produce minimum standards for throughcare support. It also allows the Scottish Ministers to add further provision in connection with throughcare support as the Scottish Ministers consider appropriate.

Section 19 of the Bill amends the Prisoner and Criminal Proceedings (Scotland) Act 1993⁶ to cover prisoners serving a sentence of imprisonment in respect of an offence involving domestic abuse whether convicted before or after section 19 comes into force. Currently, Rule 5 and Schedule 1 of the Parole Board (Scotland) Rules 2022⁷ make provision for the information the Scottish Ministers must send to the Parole Board, and it is expected that this report would be included as part of this information.

Domestic abuse education

The Committee Members also asked me to clarify the provisions on domestic abuse education as set out in the Bill. This was part of a discussion on the extent to which the Bill should set out what domestic abuse education in schools should cover. As set out below I want to ensure there is provision across schools, but I want the specific content to be developed using existing expertise including consultation with those already providing this education in schools. In addition, as for the provisions on rehabilitation in Part 2 of the Bill, the domestic abuse education provisions in Part 4 of the Bill are not intended to detract from or duplicate provision that is already being

¹ Scottish Government. (2022, May 26). Equality Budget Caledonian funding: October 2021 to March 2023. Retrieved from: <https://www.gov.scot/publications/equality-budget-caledonian-funding-october-2021-to-march-2023/>.

² Parliamentary question S6O-04746 (2025, May 28). Retrieved from: <https://www.parliament.scot/chamber-and-committees/questions-and-answers/question?ref=S6O-04746>.

³ [Criminal Procedure \(Scotland\) Act 1995](#)

⁴ [Community Justice \(Scotland\) Act 2016](#)

⁵ [Bail and Release from Custody \(Scotland\) Act 2023](#)

⁶ [Prisoners and Criminal Proceedings \(Scotland\) Act 1993](#)

⁷ [The Parole Board \(Scotland\) Rules 2022](#)

provided. Rather it is intended to ensure that this valuable education is accessible to all.

Section 28(1) of the Bill requires the Scottish Ministers to promote, facilitate and support domestic abuse education in schools. Under subsection (2) education authorities must promote, facilitate and support domestic abuse education in the schools under their management. Section 29(1) requires the Scottish Ministers to provide guidance to education authorities relating to domestic abuse education in schools. In turn, under subsection (3), education authorities are under a duty to have regard to this guidance. This guidance must be published, kept under review and may be revised. In preparing the guidance, the Scottish Ministers must consult charities or other bodies that provide support for those who have suffered from or are suffering from domestic abuse along with any other persons that the Scottish Ministers think appropriate. This could include, for example, education authorities, representatives of teachers and parents, and academics working in this field.

Section 30 gives the Scottish Ministers power to make regulations to specify standards and requirements to which an education authority must conform in discharging its functions in relation to domestic abuse education in schools under its management. The Scottish Ministers must consult interested persons in preparing the regulations, including education authorities and domestic abuse charities. Section 31 requires the Scottish Ministers to prepare a report and lay it before the Scottish Parliament on progress made in the delivery of domestic abuse education in schools. Whilst no specific timescale is provided for such reports, they must be done from time to time – this indicates regular reporting is expected whilst providing a degree of flexibility to the Scottish Ministers.

In developing the provisions in Part 4 of the Bill, I adopted a non-prescriptive approach to allow for flexibility in designing the domestic abuse education programme, in consultation with experts and relevant organisations and persons. The consulted bodies under the Bill could include current providers of similar programmes, such as Equally Safe at School,⁸ co-created by Rape Crisis Scotland and the University of Glasgow, education authorities, representatives of teachers and parents, and academics working in this field, as well as charities. Part 4 of my Bill creates provisions that will build on existing programmes while ensuring that domestic abuse education is provided consistently in every secondary school in Scotland.

During the evidence session, I was asked if I was sure that the provisions on domestic abuse education in schools in my Bill are the right way to tackle increasing domestic abuse. I emphasised that my Bill is part of the solution. In November 2024 I attended the BBC Radio 4 Reith Lecture with Dr Gwen Adshead. I asked her about the vitality of education in preventing domestic abuse, which features in my Bill. Dr Adshead agreed and stressed the importance of emotional education in schools with the focus on managing relational conflict and emotional complexities while tailoring education to different age groups.

⁸ [Equally Safe at School | A whole school approach to preventing gender based violence](#)

With regards to the cost of domestic abuse education, paragraphs 77 to 88 of the Financial Memorandum⁹ for the Bill provide the following costs associated with the provision of domestic abuse education. For the purposes of estimating the cost of domestic abuse education, it is assumed that the 116 schools¹⁰ that were registered with an Equally Safe at School programme are secondary schools and that the remaining 244 secondary schools do not provide domestic abuse education. It is also assumed that the Rape Crisis funding of £451,675¹¹ was received by 116 schools. Therefore, the cost of domestic abuse education per secondary school is estimated to be £3,894. It is estimated that the provision of domestic abuse education in the remaining 244 schools amounts to **£950,136**.

Additionally, the Financial Memorandum provides the estimated costs of:

- the development and publication of the guidance to education authorities on domestic abuse education – £15,000
- the review of the guidance – £15,000
- the development and publication of domestic abuse education standards – £6,000
- the publication of the domestic abuse education progress report – £4,000
- the cost of officer time for consideration and responding to a consultation on the domestic abuse education standards in 32 local authorities – £2,000 per local authority x 32 = £64,000.

The overall estimated cost under Part 4 of the Bill amounts to **£1,039,136** in Year 1. The annual recurring cost amounts **£1,054,136** and includes the cost of the review of the guidance.

I hope this letter is helpful in informing scrutiny of the Bill. Please do contact me, or the Non-Government Bills Unit which is supporting me with the Bill, if you have any questions.

Kind regards,

Dr Pam Gosal MBE MSP

⁹ [Financial Memorandum accessible](#)

¹⁰ Written answer to a parliamentary question S6W-30732 (2024, 31 October). Retrieved from: [Written question and answer: S6W-30732 | Scottish Parliament Website](#)

¹¹ Written answer to a parliamentary question S6W-35702 (2025, 14 March). Retrieved from: [Written question and answer: S6W-35702 | Scottish Parliament Website](#)