



Law Society  
of Scotland



# Consultation Response

Improving Multi-Agency Risk Assessment and interventions for victims of domestic abuse

April 2019



## Introduction

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The Law Society of Scotland is the professional body for over 11,000 Scottish solicitors. With our overarching objective of leading legal excellence, we strive to excel and to be a world-class professional body, understanding and serving the needs of our members and the public. We set and uphold standards to ensure the provision of excellent legal services and ensure the public can have confidence in Scotland's solicitor profession.

We have a statutory duty to work in the public interest, a duty which we are strongly committed to achieving through our work to promote a strong, varied and effective solicitor profession working in the interests of the public and protecting and promoting the rule of law. We seek to influence the creation of a fairer and more just society through our active engagement with the Scottish and United Kingdom Governments, Parliaments, wider stakeholders and our membership.

Our family law sub-committee welcomes the opportunity to consider and respond to the Scottish Government's consultation: improving Multi-Agency Risk Assessment and interventions for victims of domestic abuse. The sub-committee has the following comments to put forward for consideration.

## General Comments

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Domestic abuse is a situation that must not be tolerated in our law or society. Significant steps have been taken over recent years to revise the law and our understanding of domestic abuse. We fully support measures to prevent domestic abuse and to support victims and potential victims and ensuring the safety of persons at risk and in situations of immediate danger.

Solicitors are not generally involved at the stage of a Multi-Agency Risk Assessment (MARA), and so we do not have detailed comments on many of the specific questions in this consultation. However, we believe that MARA is a critical element of early intervention and support for victims and persons at risk of domestic abuse, and that these types of measures are necessary in combination with legal measures, both civil and criminal. The involvement of Independent Domestic Abuse Advocates is core to the process, ensuring that the autonomy of the person affected is respected, and they are fully involved and represented without needing to be in attendance at meetings. We also welcome the emphasis on child protection, which is a key element of system relating to domestic abuse.

We have restricted our comments to questions 1 and 7, as questions 2-6 are best addressed by those organisations directly involved in multi-agency working.

## Consultation Questions

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### **Question 1: How can we ensure training on domestic abuse and appropriate risk assessment tools for public bodies, agencies and services staff?**

While we do not have any comment to make on how to ensure adequate training, we suggest that training should include the legal frameworks, both legislative and non-legislative, relevant to the issue of domestic abuse. At this point, training on coercion and control is particularly important, to ensure that the recently introduced law in this area is fully understood and embedded.

We are currently involved, together with Scottish Government and Scottish Women's Rights Centre, in developing training for the legal profession on domestic abuse and trauma awareness. It is expected that this will be available both as online and in person training. A similar approach may be suitable for other types of professional.

### **Question 7: Do you think that multi-agency arrangements for protecting victims of domestic abuse should be placed on a statutory footing?**

When considering whether or not to place multi-agency arrangements for protecting victims of domestic abuse on a statutory footing, careful thought should be given to the intended purpose of new legislation, and whether legislation is the best means of achieving those aims. If it is felt that a new statute is appropriate, it will be important to balance the need for flexibility, for example to be able to adapt to changing understandings of best practice, and the need for clarity and certainty in the law.

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