

**Impact case study (REF3b)**

<p><b>Institution:</b>  <b>University of Glasgow</b></p>
<p><b>Unit of Assessment:</b>  <b>20 – Law</b></p>
<p><b>Title of case study:</b>  <b>Legislation and practitioner guidance governing domestic abuse in Scottish courts</b></p>
<p><b>1. Summary of the impact</b> (indicative maximum 100 words)</p>

Research carried out at University of Glasgow resulted in the amendment of a Scottish Parliament Member’s Bill, passed into law in 2011, to address previously unrecognised institutional barriers to assistance within the legal system faced by victims of domestic abuse. This research then shaped practitioner guidance and training on the effective handling of domestic abuse cases which has been implemented at all 49 Sheriff Courts across Scotland.

<p><b>2. Underpinning research</b> (indicative maximum 500 words)</p>
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In 2003, Clare Connelly (Senior Lecturer at the School of Law, University of Glasgow, 1995-2013) conducted an evaluative study on new civil protection orders for the Scottish Government. This study, ‘An Evaluation of the Protection from Abuse (Scotland) Act 2001’ was designed, developed and written by Connelly in collaboration with Professor Jane Scoular (University of Strathclyde) and Kate Cavanagh (Lecturer and Senior Lecturer in Social Work, University of Glasgow 1993-2004), and funded by the Scottish Executive.

The findings from this research were then included in an article written by Connelly entitled ‘*Institutional Failure, Social Entrapment and Post Separation Abuse*’ (2010). This article identified the institutional barriers faced by victims, primarily women, seeking protection from domestic abuse. Connelly further identified the primary obstacles as follows:

- Domestic abuse victims have difficulty accessing the necessary Legal Aid funding that would enable them to instruct a lawyer to gain an interdict (injunction) or seek other protective measures;
- The evidential burden required by courts in order to obtain a protection order is prohibitive; and
- If victims are successful in obtaining an injunction against the abuser, any single breach of that interdict is not by itself considered a crime. In effect, the order would have to be breached more than once, and victims placed at greater risk, before the legal system considered that a criminal offence had taken place. This latter point was analysed in depth in another publication by Connelly (with Cavanagh, K.) (2007), "Domestic abuse, civil protection orders and the 'new criminologies': is there any value in engaging with the law?"

<p><b>3. References to the research</b> (indicative maximum of six references)</p>
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Cavanagh, K., Connelly, C., Scoular, J., (2003), *An Evaluation of the Protection from Abuse (Scotland) Act 2001*, (Edinburgh, Scottish Executive) ([link](#)).

Connelly, C., (with Cavanagh, K.) (2007), "Domestic abuse, civil protection orders and the 'new criminologies': is there any value in engaging with the law?", *Feminist Legal Studies*, vol. 15, no. 3, 259-287. (doi:[10.1007/s10691-007-9069-7](https://doi.org/10.1007/s10691-007-9069-7)) [*This high impact journal publishes peer-reviewed, critical, interdisciplinary, theoretically engaged feminist scholarship relating to law*]

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Connelly, C., (2010), 'Institutional Failure, Social Entrapment and Post Separation Abuse' *Juridical Review*. 43-64. ISSN 0022-6785 [Output published in a leading journal with an international readership which operates rigorous peer-review] [AVAILABLE FROM HEI]

Connelly, C. (2011) "Specialist Responses to Domestic Abuse ", in *Domestic Abuse and Scots Law*. H. Hughes, (ed.), (Edinburgh, W. Green). ISBN 9780414017887 [AVAILABLE FROM HEI]

### 4. Details of the impact (indicative maximum 750 words)

The incidence of domestic abuse in Scotland has risen steadily since the recording of data began in 1999-2000. In that year the eight police forces in Scotland recorded a total of 33,197 incidents of domestic abuse. By 2005-06 this had increased to 45,796 incidents, of which 23,983 were recorded as a crime or offence. These resulted in 15,134 reports to the Procurator Fiscal, an increase of 67% since 1999-2000. The vast majority of incidents of domestic abuse (88%) are perpetrated against female victims and likewise, the vast majority of perpetrators (87%) are male. Repeat victimisation is common among victims of domestic abuse. In 2005-06 just over half (51%) of reported incidents involved known repeat victims.

The research by Connelly at the University of Glasgow was instrumental in shaping legislative change and improving access to justice for victims of domestic abuse, and providing the resources required for practitioners in this field to identify and engage in best practice across Scotland.

#### Shaping legislative change: Domestic Abuse (Scotland) Act 2011

Connelly's study identified the institutional barriers to assistance faced by (primarily) women experiencing domestic abuse. On the strength of her research, Connelly was asked to advise Rhoda Grant, Member of the Scottish Parliament (Labour, Highlands & Islands) on the drafting of a Private Member's Bill (the Civil Protection Orders and Access to Justice Bill) originally intended to address the issue of access to Legal Aid by domestic abuse victims. Grant's Bill, which became law in March 2011, was amended to include two main barriers identified in Connelly's research which had not been addressed by the proposed legislation. This Bill now provides important protection for victims of domestic abuse that had not existed before, specifically:

- Scotland now has named domestic abuse interdicts;
- Breaching protection orders is now a criminal offence; and
- Victims can now obtain a protective order on the basis of one incident where previously they had to experience repeated incidents before a crime was seen to be committed.

During a speech in the Scottish Parliament, Holyrood (16 March 2011), Rhona Grant MSP directly thanked Connelly for developing the '*solution for how the bill could be shaped to tackle the issues.*' And praised her 2003 study as research '*which gave her a clear understanding of what needed to be done.*'

#### Enhancing practitioner guidelines and delivery of services: *Handling Domestic Abuse Cases – A Toolkit*

Connelly was a member of the Legislative Subgroup of the Scottish Parliament convened to examine the issue of domestic abuse in Scotland which recommended the establishment of specialist courts in Scotland in 2006-08. Based on her research findings and expertise in this area, Connelly was also commissioned by the Scottish Government to produce an evidence-based

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toolkit to guide Sheriffs Principal in rolling out the specialist response to domestic abuse across Scotland. She authored 'Handling Domestic Abuse: A Toolkit to Aid the Development of Specialist Approaches to Cases of Domestic Abuse' in May 2008. The Toolkit evaluated the specialist court set up and piloted since 2006 and is aimed at practitioners in this field of the criminal justice system to help them develop an informed, specialised approach to dealing with cases of domestic abuse; it is now used throughout Scotland. The Toolkit has enabled the Scottish Government to develop a successful Domestic Abuse Court model by providing expert guidance to sheriffs and other court personnel making policy decisions within their courts on key issues such as the safety of complainers, independent advocacy, victim clustering and fast-tracking of cases.

### Influencing the work of NGOs

Both impacts outlined above have influenced the work of NGOs that work with those subjected to domestic abuse, including Scottish Women's Aid, the Women's Support Project and ASSIST, the specialist domestic abuse advocacy service that provides advocacy and support to victims of domestic abuse. Reflecting on improvements brought about under the Specialist Domestic Abuse Court, recommended by the Legislative Sub-Group of the Scottish Parliament, of which Connelly was a member, and for which she then evaluated and prepared the practitioner Toolkit to ensure the effective delivery of, the Senior Development worker at The Women's Support Project states:

*We rely a great deal on Scottish research to provide evidence for different approaches, and to support our training and awareness work...whilst there will undoubtedly still be a few abusive individuals who will continue to abuse regardless of the consequences, our view is that the Domestic Abuse Act has strengthened protection for victims of domestic abuse, stalking and harassment... The introduction of the Domestic Abuse court and training / awareness raising activity around the court opening brought a marked improvement in the process for victims of abuse. The shorter wait for cases to go to trial was generally welcomed, and encouraged women to contact the police and to make complaints. Prior to the new court we had sometimes had comments from women along the lines of "the police were great but the court let him off". It is our impression that the dedicated court and Sheriffs has brought a greater understanding of the process of domestic abuse, ie of 'coercive control' into the prosecution of domestic abuse.*

### 5. Sources to corroborate the impact (indicative maximum of 10 references)

- Rhoda Grant, MSP, Domestic Abuse (Scotland) Bill, Speech in the Scottish Parliament , 16 March 2011: ([link to speech](#)) (specifically acknowledges Connelly's contribution to shaping the law)
- Domestic Abuse (Scotland) Act 2011 ([link](#)) (confirming changes introduced by new law)
- Connelly, C., (2008), *Handling Domestic Abuse Cases- A Toolkit to Aid the Development of Specialist Approaches to cases of Domestic Abuse* (Edinburgh, The Scottish Government) ([link](#)) pg.i, confirming Connelly as author)
- Statement of Support from Senior Development Worker, Women's Support Project (confirming importance of changes brought by new law and related training) [Available from HEI]