



CONSULTATION

Improving protections in the justice system for women and girls: consultation **31 August 2026**

NASUWT welcomes the opportunity to comment on proposals to improve protections in the justice system for women and girls, to inform future criminal law and policy in Scotland.

NASUWT is the Teachers' Union, representing teachers and school leaders in all sectors of education and across all 32 local authorities in Scotland.

GENERAL COMMENTS

The UN calls violence against women and girls 'one of the most widespread, persistent and devastating human rights violations in our world today'.

Governments are faced with addressing some startling statistics:

- More than one in three women worldwide have experienced violence in some form in their lifetime.
- Two women every week are killed by a current or ex-partner or other close relative.

- Only 15% of serious sexual offences and 21% of partner abuse incidents are reported to the police.
- Black women suffer disproportionately from violence and face multiple barriers to reporting, including heightened forms of shame, stigma, cultural and religious constraints, racism, immigration insecurities, and lack of awareness of their rights.
- More than 100,000 women and girls in the UK are at risk of and living with the consequences of female genital mutilation, forced marriage and so-called 'honour-based' violence.
- Inquiries into child sexual abuse repeatedly reveal failures at every level of the state to prevent or protect girls from abuse.
- Girls in schools in the UK are experiencing high levels of sexual violence and harassment.
- Legal aid has shrunk and abused women are often unable to obtain legal advice and representation which has meant that some women find themselves face-to-face with their perpetrators in courts¹.

NASUWT is committed to securing an end to gender-based violence against women and girls at home and around the world and believes that governments, education bodies and other organisations have a key role to play.

¹ <https://www.nasuwat.org.uk/advice/equalities/under-represented-groups/women/elimination-of-violence-against-women.html>

SPECIFIC COMMENTS

The Union response is focused on the Online and technology-facilitated harm section of the consultation.

POLICY CONTEXT

Being online in the broader sense presents risks with regard to harmful or age-inappropriate content, misinformation and disinformation, commercial profiling, advertising, privacy, data protection, contact from unknown adults, scams, exposure to extremist or misogynistic content and excessive or developmentally inappropriate use. These risks vary depending on the nature of the service, the user's age and circumstances, the safeguards in place and the extent of any relevant adult oversight.

Social media use brings its own challenges. There is a growing and substantive body of evidence indicating that unregulated access to social media platforms is causing demonstrable harm to children and young people. This includes, but is not limited to, adverse impacts on mental health and wellbeing, diminished capacity for real-world social engagement, and increased exposure to malicious content and misinformation.

NASUWT members have identified social media use as a primary contributory factor in the deterioration of pupil behaviour in schools, including increased incidences of hostility between pupils, a decline in empathy and interpersonal respect, and the normalisation of abusive and harmful conduct.

Evidence from our members further indicates that children's sustained use of social media is associated with a reduction in attention span, concentration and capacity for sustained learning, due in part to overexposure to highly stimulating and short-form digital content.

NASUWT recognises that the wider research base on children's mental health and digital technology continues to develop, and that not every harm can be

reduced to a simple causal claim. However, the absence of settled causal evidence in every domain should not prevent proportionate action where teachers and school leaders are reporting consistent, repeated and serious effects on learning, behaviour, concentration, peer relationships, safeguarding and school climate. From an education perspective, these impacts are real and immediate, and they justify stronger regulation of social media platforms.

NASUWT believes that there is merit in exploring the arguments for and against raising the digital age of consent to 16 although it does not have a settled policy position on this issue. However, raising the age of digital consent must not be treated as an alternative to statutory restrictions.

In the view of the NASUWT, restricting specific features or functionalities, or introducing time limits, is not enough to counter the negative effects of excessive online use – particularly social media – that our members are reporting seeing amongst the children they teach. Indeed, while restricting specific features and time limits may be of benefit to all users, not just children and young people, it is not a solution in and of itself to address the highly problematic relationship we are seeing children and young people developing with digital services.

The Union has noted the cumulative effect of multiple platform features as a key concern, including but not limited to:

- Persuasive or addictive design features, such as infinite scrolling, notifications, and algorithm-driven content feeds, which can encourage excessive use and compulsive behaviours.
- Functionalities that enable the creation and sharing of images and videos, which may increase risks related to harmful content, including sexualised or violent material, and intensify social pressures.

The widespread and interconnected nature of these features across mainstream social media platforms means that risks are systemic rather than exceptional.

CRIMINAL JUSTICE SYSTEM

At NASUWT Scotland Conference 2026 the following motion on gender based violence, regulation and the justice system was passed: this motion is the foundation for our consultation response.

Gender Based Violence, Regulation and the Justice System

Conference notes the recent developments:

- Meta was held liable for intentionally building addictive social media platforms that harmed a woman's mental health;*
- that a domestic abuser has been held criminally responsible for the suicide of their partner; and*
- the exposé of the global online 'Rape Academy'.*

These concerning developments come in addition to:

- the rise in AI creating new and disturbing forms of sexual abuse;*
- legislation and enforcement that has lagged behind technological advances;*
- and*
- corporate criminal liability laws that ignore algorithms and platform design models which create avoidable harms and addictions.*

Conference calls on the Scotland Executive Council to campaign for:

- stronger laws to criminalise AI-generated image-based sexual abuse, including deep fakes;*
- tech companies to be held legally accountable for preventing sexually abusive content and providing urgent redress for victims/survivors;*
- sustained psychological abuse online to lead to individual and corporate responsibility, including where this was a significant contributing factor in a death; and*
- corporate manslaughter charges against tech companies, in appropriate cases, for online harms and unethical platform design models to be instituted, while recognising modern corporate structures.*

Conference further calls on the Scotland Executive Council to:

- *raise awareness of digital violence as part of workplace sexual harassment and health & safety campaigns;*
- *lobby HSE to produce clear guidance on sexual harassment as a workplace hazard, including HSE's ability to take proactive regulatory action and raise the issue of digital violence as a core part of workplace health & safety;*
- *promote adherence to new requirements including Workers Protection Act (Amendment of Equality Act) 2023 and the Sexual Harassment 'qualifying disclosure', building a campaign around digital gender based violence; and*
- *submit a robust response to the current Scottish Government consultation 'Improving Protections in the Justice System for Women and Girls'.*

Question 12: Do you agree with the Scottish Government proposal for a creation offence?

Yes, the use of the criminal law is one essential part of the overall approach to deal with online harm. The criminal law in Scotland needs to adapt to the new ways in which forms of misogynistic abuse target women and girls. NASUWT supports stronger laws to criminalise AI-generated image-based sexual abuse, including deep fakes. It is also important that Scotland does not lag behind newly created statutory offences in England and Wales and victims in Scotland receive equivalent protection under law.

Question 13: Do you agree with the proposal for a requesting creation offence?

Yes, NASUWT supports the proposal to strengthen laws to criminalise AI-generated image-based sexual abuse, including deep fakes. In addition to creating equivalent protection to that currently enacted in England and Wales, it will also provide a systemic signal regarding the seriousness of requesting the creation of intimate images.

Question 14: Do you agree with the proposal for a new production, supply and offering to supply offence?

Yes, NASUWT supports criminalising the making, adapting, supplying or offering to supply intimate images generators as part of a package to create stronger laws to criminalise AI-generated image-based sexual abuse, including deep fakes.

Question 15: Do you consider that there are any specific changes to the current criminal law that would improve how the justice system is able to respond to technology-facilitated and online harms?

Corporate criminal liability laws ignore algorithms and platform design models which create avoidable harms and addictions. In addition to stronger laws to criminalise AI-generated image-based sexual abuse, including deep fakes, NASUWT is calling for tech companies to be held legally accountable for preventing sexually abusive content and providing urgent redress for victims/survivors.

Sustained psychological abuse online should lead to individual and corporate responsibility, including where this was a significant contributing factor in a death. The Union considers that corporate manslaughter charges against tech companies should be able to be brought, in appropriate cases, for online harms and unethical platform design models.

Question 16: Do you have any views to offer on further steps to reduce online and technology-facilitated harm?

NASUWT agrees that schools can play a key role in providing education around online harms, gender based violence and healthy relationships but there needs to also be recognition that schools cannot address all of society's ills and there are significant workload barriers to implementing new initiatives within the current policy-dense education environment.

Schools need to be supported to take proactive action. What is needed is a whole-school approach that is appropriately financed and resourced and which will include a key focus on appropriate PSE delivery and

implementation. As well as having appropriate national guidance available, teachers must have the opportunity to engage with that guidance, along with the support and resources they need to teach and embed these programmes effectively. This support should include access to relevant training and development opportunities.

All education-based approaches must sit in the context of a holistic prevention strategy. For example, the first step to tackling the issue of domestic abuse is to recognise that violence against women and girls is a cause and consequence of gender inequality. A key part of this work is ensuring the education system applies a gendered lens to all discussions, from school behaviour to the curriculum, ensuring the voices of those with lived experience are at the heart of decision making. Embedding intersectional equality within decision making is key.

Government must prioritise facilitating culture changes to prevent online harms. It may be of interest to consider some of the recommendations NASUWT shared in our MSP Briefing 'Behaviour in Schools: Misogyny and Online Spaces' which was issued on 26 March 2025: this briefing sets out some of our key campaign asks in relation to tackling gender based violence which include:

- *Visible and strong leadership from the Scottish Government. The Gender Equality Taskforce in Education and Learning (GETEL) must move at pace to achieve a gender-competent experience of education and learning for all girls by:*
 - a. being taught by education professionals who are well-supported, confident and effective at promoting women and girls' equality and rights, in settings steered by gender competent leaders, and where gender barriers in the profession have been broken down*
 - b. not experiencing sexism, sexual harassment or gender based violence in the classroom or other educational setting; and*
 - c. freely choosing subjects and areas of study from a gender transformative curriculum, including those traditionally dominated by boys and men.*

- *A commitment to educate children and young people and school staff on the importance of gender equality and to address the causes and impact of sexual harassment. Schools should explicitly teach students about misogyny and misogynistic attitudes and national equality aims should be woven throughout the national curricular review process. SQA and Education Scotland must not miss the current opportunity to include intersectional equality issues, practices and content in the development of new or adapted course specifications, and other relevant national guidance.*
- *The creation and promotion of national guidance for schools on behaviour, such as the National Action Plan Relationships and behaviour in schools and Preventing and responding to gender based violence: a whole school framework, which sensitively considers the impact of gender based violence. Current behaviour approaches in schools take little cognisance of prejudice-based abuse, in particular the use of restorative approaches and the impact of these on staff who have been abused. Any national framework or guidance must be supported by appropriate resources.*
- *Many schools are not equipped with effective reporting and monitoring procedures for staff to report incidents of sexual harassment and violence. Women members primarily have told us that they are not confident that reporting incidents will be taken seriously and, further, that this is a barrier to reporting. Robust policies for tackling sexual and other forms of harassment and violence, whether physical or verbal, must include effective reporting and monitoring procedures.*
- *National campaigns must promote to parents and carers an awareness of school behaviour management policies, including the role that pupils and parents/carers play in creating a positive school environment. Consistency of expectations by schools and parents/carers is essential, as is the need for effective liaison between the home and the school in tackling pupil behaviour, including misogyny and gender based violence.*
- *Effective school leadership, especially working in partnership with staff and trade unions, is essential and should be supported by tailored professional learning on gender based violence.*
- *Schools should be supported to assess their behaviour management policies to ensure they are non-discriminatory in their scope and operation,*

including on the grounds of ethnic or national origin, culture, religion, gender, disability or sexuality. Schools should collect and regularly review data on behaviour to ensure that their behaviour management policy is operating fairly and equitably.

- Every teacher should have access to professional supervision as well as fully-funded mental health and wellbeing programmes.*
- Schools should be able to readily access external advice and support, and specialist provision.*
- Greater national promotion should be given to the Digital Discourse Initiative, which is a collaborative project with ISG Global and TIE. This free online professional learning course is now available to equip teachers with the knowledge and tools to address issues like online disinformation and hate. The Scottish Government should invest further in a national campaign programme which will enable this online training programme to be delivered in person and to further support direct engagement and learning opportunities in schools.*
- Education and schools should remain a central plank of the Equally Safe Strategy, which sets out a vision to address violence against women and girls nationally. There are a number of existing and successful partnerships undertaken nationally but it isn't as widespread as we would like. The Equally Safe in Schools and Mentors in Violence Prevention initiatives have only reached a proportion of schools so far. While the national GBV framework was a great step forward, what is missing is a targeted, systemic national dissemination approach, including resourcing, to tackle head-on the current patchwork of implementation.*
- Schools need earlier support and education on hate speech from primary school level, recognising that, by secondary school, many pupils may already have been exposed to far-right narratives. Tailored curricular advice and support should be provided for primary schools.*

Finally, NASUWT would note that digital violence must be considered as part of workplace sexual harassment and health & safety messaging and employees should be directed to information on digital violence as a core part of workplace health & safety.

New requirements stemming from other legislation, including the Workers Protection Act (Amendment of Equality Act) 2023 and the Sexual Harassment 'qualifying disclosure', should enable the Scottish Government to adopt consistent and coherent messaging around digital gender based violence and NASUWT would encourage the Scottish Government to build on existing misogyny campaigns to support information dissemination in this area.

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