



# Review of Stalking Protection Orders

## Policy Background

The Stalking Protection Act 2019 made provision for Police to apply to Magistrates' Courts for a new civil Stalking Protection Order (SPO). The Act came into force in January 2020. The Act enables early police intervention, pre-conviction, to address stalking behaviours before they escalate or become entrenched, by placing restrictions and/or positive requirements on perpetrators.

The Act introduced six criminal offences;

- Breach of a (full or interim) SPO without reasonable excuse.
- Failure without reasonable excuse to notify the police of their details within three days of being served with a (full or interim) SPO.
- Failure without reasonable excuse to notify the police of a name not already notified within three days of beginning to use that name.
- Failure without reasonable excuse to notify the police of a new address within three days of moving there.
- Failure to comply with the request of a police officer or other authorised person to provide their fingerprints, photograph or both.
- Providing information related to the notification requirements which they know to be false.

## Methodology

A mixed methods approach was followed, this included:

- analysis of quantitative data sourced from Her Majesty's Courts and Tribunals Service (HMCTS), the Crown Prosecution Service (CPS) and the National Police Chiefs' Council (NPCC);
- an online survey for police officers and legal advisors to magistrates, looking to gain an understanding of how SPOs are working in practice and to identify any early areas for improvement in the SPO process;
- an interview with a victim of stalking facilitated by the Suzy Lamplugh Trust;
- collecting informal feedback from PCCs and the National Stalking Consortium.

It should be noted that the data presented in this report presents only the views of those who chose to engage with the review and is not representative of the views of all parties who have used SPOs since their introduction.

## Summary of Findings

This report found that generally Stalking Protection Orders seem to be working well, with a promising number of orders being granted between 20 January 2020 and 19 January 2021. The results from the police and legal advisors surveys on SPOs were mostly positive and the majority of respondents felt that SPOs were effective in reducing the risks of stalking (78% of police respondents and 61% of legal advisors respondents who expressed a view). There is evidence that victims have welcomed the additional protection provided by SPOs. Furthermore, the Association of Police and Crime Commissioners (APCC) and National Stalking Consortium also welcome the introduction of SPOs, while noting various ways in which further improvement is needed.

A total of 436 interim and full SPOs were granted between 20 January 2020 and 19 January 2021. This is a good total figure; however, it is important to note that there has been a disproportionate number of SPOs that have been issued to the Metropolitan Police and Sussex Police forces, with some other forces obtaining very few orders. Responses from the police survey included requests for the sharing of good practice examples in order to encourage forces to apply for SPOs.

Police officers who responded to the survey appeared to be satisfied with the training and guidance they have received on SPOs. The majority of respondents in the police survey (69%) answered that they found the training and guidance (both operational and statutory) helpful. Generally, the SPO application process appears to be working well; the majority of respondents from the police survey have not experienced any administrative problems when applying for a SPO. However, a few issues were raised, most notably that applying for a SPO can sometimes be a very slow process with long waits for court dates.

Unsurprisingly, the police survey found that prohibitions seem to be included more frequently than positive requirements as a condition in a SPO. The most commonly used conditions included not contacting the victim by any means and not visiting certain locations. Some respondents commented that appropriate perpetrator and treatment programmes are limited or not available (thus rendering it harder to impose positive requirements). The Home Office has recently launched a specific grant fund for the further development of such programmes.

The criminal standard of proof which must be met for certain parts of applications for SPOs does not seem to be preventing them from being granted. The data we received from HMCTS shows that SPO cases have a very high grant rate at the magistrates' court. Between the period 20 January 2020 and 19 January 2021 there were 363 cases concluded relating to SPOs, of which 284 (78%) were granted and 19 (5%) were refused<sup>1</sup>. This data is also supported by the views of police officers. Results from the police survey found that the majority (84%) of respondents thought the criminal standard of proof had not created any problems when applying for a full SPO and the majority of respondents stated that they have not had their SPO application rejected in court. Nevertheless, results from the police survey found that

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<sup>1</sup> The remaining cases were withdrawn, discontinued or the position is not clear without a manual review of the file.

some courts prefer using bail conditions and other protective orders rather than granting SPOs and some mentioned that judges are more reluctant to impose positive requirements.

Some respondents to the police survey also mentioned that training is required for police legal teams, Magistrates and District Judges on the use of SPOs. They felt that there is a lack of knowledge and a misunderstanding of how SPOs fit into safeguarding alongside bail conditions and other protective orders.

Furthermore, the data suggests that the conditions of SPOs are broadly being adhered to by perpetrators. The level of breaches appears low, for example, HMCTS data shows that there was a total of 156 hearings relating to the offence of breaching an interim or full SPO which accounted for 64 individual cases. Furthermore, results from the police survey found that 54% of respondents thought that, overall, subjects adhered to the SPOs to some degree. However, we also received feedback that officers are not always dealing with breaches in a timely manner.

The following pages provide detail on the quantitative data and the qualitative feedback received from the various participants in the review.

## Quantitative Data

### HMCTS

We requested quantitative data from Her Majesty's Courts and Tribunals Service (HMCTS) on SPOs. The data is based upon hearing dates falling between the period 20 January 2020 and 19 January 2021. The data in this section was extracted from the HMCTS case management system. **There are some notes on their interpretation, which are covered in Appendix A of this document.** Please note that the figures that are cited below were correct at the time of extraction.

**Alongside this report, Home Office and HMCTS are releasing updated figures on the number of applications for SPOs, the numbers of full and interim orders issued, and the number of court receipts relating to alleged breaches of interim or full SPOs. Those figures relate to the period 1 February 2020 to 31 January 2021. The methodology for identifying applications for, and breaches of, a Stalking Protection Order is the same as that used within this report. However, within the accompanying release the methodology for counting interim or full Stalking Protection Orders granted is different: instead of following up a cohort of applications, the total number of orders granted has been identified instead. This should give a more accurate picture of the number of orders made.**

There were 363 cases relating to applications for SPOs during this period, of which 284 were granted. The table below shows a breakdown of these cases by region, as well as the total number of interim and full orders that have been granted.

Region	Case Count	Type of SPO	Total Orders
London	65	Interim	40
		Full	40
Midlands	47	Interim	29
		Full	35
North East	14	Interim	18
		Full	7
North West	27	Interim	37
		Full	15
South East	89	Interim	90
		Full	53
South West	40	Interim	40
		Full	27
Wales	2	Interim	4
		Full	1
<b>Total</b>	<b>284</b>		<b>436</b>

Therefore, a total of 258 interim and 178 full Stalking Protection Orders were granted between 20 January 2020 and 19 January 2021. Where there are multiple interim Orders or an interim Order is converted to a full Order, each issuance has been counted. For example, a case with two interim Orders and a full Order will result in a count of three (two interim Orders and one full Order).

Of the remaining 79 cases, 19 were refused or dismissed, one was discontinued and 27 were withdrawn. Information is not available on the remaining 32 cases as this would require manually checking the case record. Hence, of the 363 cases, 78% were granted and 5% were refused.

In the same time period;

- There were two renewal applications for an interim SPO and there were no renewal applications for a full SPO.
- There were three variance applications for an interim SPO and there were 11 variance applications for a full SPO.
- There were two discharge applications for an interim SPO and two discharge applications for a full SPO.
- There was a total of 156 hearings relating to the offence of breaching an interim or full SPO which accounted for 64 individual cases.
- There was a total of 10 hearings related to the failure to notify offence which accounted for 6 individual cases.

## NPCC

The data from HMCTS shows the number of decisions made on SPO applications but does not include applications made for SPOs which have not yet been decided; nor does it show which police forces made the applications. To that end, the NPCC provided us data on forces' applications for SPO reimbursements<sup>2</sup> for the period April 2020 to March 2021.

This data shows that there was a total of 335 SPO applications made by those forces during this period. This figure for applications is lower than the total number of decisions reported by HMCTS. We consider HMCTS's figures to be more accurate given that they are based on automated data rather than manual returns as is the case with the police data (it may also be the case that the figure for April 2020 to March 2021 [police data] is genuinely lower than the figure for January 2020 to January 2021 [HMCTS data], as the former period includes a greater proportion of the pandemic period, when there are likely to have been more barriers to SPO applications).

However, the police data has been considered as part of this review as it shows the breakdown of applications between forces. These data highlight that, whilst the total national number of SPO applications is promising, there is a disproportionate balance of applications between forces, with some forces putting forward a large amount of SPO applications and others only making a few. For example, the Metropolitan Police and Sussex have made the most SPO applications (106 and 36 respectively), whereas 28 forces made fewer than five applications each.

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<sup>2</sup> Forces have been provided by the Home Office with the standard unit cost to them - £1,726 – for making an application in financial year 2020/21.

## Crown Prosecution Service

The CPS provided a data extract of breaches of a SPO on finalised cases from 20 January 2020 until 31 January 2021. Therefore, some cases started but not finalised during January 2021 will not be included in this review. The data was taken from the CPS Case Management System (CMS) as a non-validated indicative sample.

**There are some caveats to this data – please see Appendix B of this document.**

The CPS data extract identified 36 separate defendants who breached their SPO. Some defendants had multiple breaches throughout the year which were charged at different times. As a result, they may be counted more than once in these cases.

### Overall charges

The table below shows what the defendants were charged with.

Charged with:	Number of defendants
Failing to notify/to report (with no other charges)	7
Failure to notify/report (with breach of an order and other offending)	11
Breach of a full or interim SPO*	26

\*It is not possible to split the number of defendants for a breach of a full or interim SPO.

Further notes on the above charges:

- Seven of these cases involved non-domestic abuse breaches.
- Five cases were related to former work colleagues.
- 24 cases involved breaches that occurred within a domestic abuse setting and all of these cases related to ex-partners.
- The remaining cases were not flagged as they were offences of failing to notify/report and it was not possible to identify the nature of the previous behaviour from the CMS file.
- Several defendants had also committed other accompanying offences.

### Failure to notify/ report

Of those charged with failure to notify/report;

- Four cases were discontinued, or the suspect was found not guilty. There were various reasons for these decisions, from being unable to prove the order had been served, reporting to the police shortly after (Covid-19 was accepted as a reasonable excuse) and the suspect saying they were unaware that the order had been made; and
- In seven cases guilty pleas were entered. These were generally made at the first hearing.

All defendants charged only with failure to notify/report and who were found guilty or pleaded guilty, were fined.

## Breach of a Full or Interim SPO

Of the 26 defendants who were charged with breach of a full or interim SPO, six had committed more than one breach of the Stalking Protection Act 2019. These could be breaches that occurred and were brought before the court as separate cases or where a number of breaches were charged and brought before the court together.

Of those charged with breach of a full or interim SPO, 20 defendants were charged with breaching their full or interim SPO only, although several had more than one breach.

Other than failing to notify/report under the Stalking Protection Act, six defendants had also been charged with other offences including assault, stalking, criminal damage, driving offences, breach of a Restraining Order and assault on an emergency worker.

Of the cases where defendants faced charges of breaching their full or interim SPO, defendants in 33 cases entered guilty pleas and were found guilty after trial. The overwhelming majority of defendants pleaded guilty to at least one breach at the first hearing. The remaining defendants were found not guilty or their charges were discontinued or withdrawn, for the following reasons;

- victims refused to provide evidence and there was no other supporting evidence;
- the court found that they had provided a reasonable excuse in law for their behaviour;
- there was no evidence to satisfy the Code for Crown Prosecutors; or
- pleas had been entered to other charges (generally stalking offences) and it was no longer in the public interest to proceed with the outstanding offence.

Defendants who pleaded guilty or were found guilty of breaching their full or interim SPO (including those who had committed other offences) received the following sentences;

- four defendants received custodial sentences;
- ten defendants received custodial sentences which were suspended, with a number of conditions including curfew, attendance at a domestic abuse programme, tagging and unpaid work;
- three defendants received Community Orders with a combination of rehabilitation activity requirements (RARs);
- six defendants received fines.

In several cases, including one acquittal, additional Restraining Orders were made to either replicate or augment the conditions in interim or full Stalking Protection Orders.

## SPO Surveys Results

138 responses were received for the police survey and 92 responses were received for the legal advisors survey. The NPCC agreed to share the police survey link with stalking leads in every force, who were in turn encouraged to share it with officers who would have knowledge of SPOs. The head of Legal and Professional Services at HMCTS also agreed to send out the legal advisors survey to all legal advisers and court associates in England and Wales. As the survey was voluntary the responses presented in this report are not representative of all those who have experience of SPOs, rather just those who chose to engage.

### Key findings from the police survey

#### Utility and effectiveness

The responses and comments we received on SPOs were generally positive. Most respondents (78%) answered that they believed SPOs were effective in reducing the risks of stalking.

47% of respondents believed that SPOs were more effective than pre-charge bail in stopping stalking behaviours, compared to 12% who did not (41% were unsure). They mentioned that SPOs carry more weight, have stronger penalties and can impose conditions, therefore making them more effective.

Furthermore, the majority of respondents (62%) stated that they had applied for a SPO pre-charge. This is encouraging as SPOs were designed to enable early police intervention, pre-conviction.

#### Training and Guidance

The majority of the respondents (69%) found the training and the operational guidance (produced by the NPCC and the College of Policing) and the statutory guidance (produced by the Home Office) on SPOs helpful.

#### Standard of Proof

Advice issued by the Justices' Clerks Society to magistrates' legal advisers in January 2020 recommended that magistrates be advised to apply the criminal standard of proof (beyond reasonable doubt) to the fact-finding elements of a 'full' SPO application, and that they be advised not to apply that standard to the non-fact-finding elements of a full application (i.e. whether an order is necessary to protect another person) or to any of the elements of an interim SPO application, but rather to consider those matters as an exercise of judgement or evaluation, similar in practice to the civil standard of proof of a balance of probabilities. Some stakeholders were originally concerned that this would lead to a large number of refused applications, on the basis that full SPO applications would not be able to meet the criminal standard until such point that a criminal prosecution would be possible anyway.

As such, the survey asked whether the criminal standard had created any issues when applying for a full SPO. The majority of respondents (84%) answered that it had not. This is consistent with the data we received from HMCTS, which showed that there is a high grant rate for SPOs; 284 cases were granted and 19 were refused.

From the remaining respondents (16%) who answered that the criminal burden of proof had created issues, some of the reasons given included:

- Legal departments were more reluctant to apply for SPOs due to the criminal burden of proof;
- The criminal standard means that you need more evidence for the SPO to be successful;
- There are difficulties when criminal proceedings are ongoing, for example evidence may be withheld when there is an ongoing criminal trial, therefore weakening the SPO application;
- One SPO was rejected as the court felt that the evidence was enough for a criminal prosecution to be sought and for a restraining order to be issued.

### **Prohibitions and Positive Requirements**

The survey highlighted that prohibitions are more commonly used as opposed to positive requirements in SPOs. The most common prohibitions/positive requirements used in SPOs included;

- not contacting the victim by any means (via telephone, post, email, SMS text message or social media);
- not entering certain locations or defined areas where the victim resides or frequently visits;
- not contacting or interacting with the victim via third parties;
- not making reference to the victim on social media whether directly or indirectly;
- not physically approaching the victim (at all, to within a specified area or as outlined on a map); and
- to provide the police with access to social media accounts, mobile phones, computers and tablets with their passwords.

Five of these are prohibitions, one is a positive requirement.

### **Notification requirement**

The majority of respondents (82%) have not experienced any problems with regards to the notification process. Of those who have experienced problems, six respondents mentioned that some subjects were unaware of the notification requirement. Furthermore, although there is a standard, prescribed form used for the notification process, four respondents were not aware of this.

### **Enforcing and monitoring conditions**

Of those who had experience with the monitoring and enforcement of SPOs (70 respondents), the majority (70%) stated that they had not experienced problems when monitoring and enforcing SPOs. Most respondents also mentioned that

conditions were monitored and enforced through flagging a SPO on the Police National Computer, home visits and victim safeguarding liaisons.

Those respondents who did highlight issues with enforcing and monitoring conditions cited a few key reasons:

- conditions being too ambiguous;
- impractical conditions;
- lack of staff and resources;
- SPO management being very time consuming;
- lack of training offered on how to manage a SPO.

In order to address these issues, we will commit to issuing further guidance on how to monitor and manage a SPO.

### **Working with the Courts**

Of those who had been involved in an application for an SPO (93 respondents), the majority (72%) had not faced any administrative problems. However, amongst other issues cited, a few respondents noted that applying for a SPO can be a very slow process with long waits for court dates.

Furthermore, of those who had tried to persuade magistrates to grant an SPO (85 respondents), the majority (73%) had not experienced any problems. However, some respondents found that courts deemed bail conditions and other protective orders as more appropriate than granting SPOs. Unlike those other recourses, SPOs have the unique ability to impose positive requirements.

Of those who have been involved in considerations of SPO applications at court (90 respondents), the majority (80%) did not have their application rejected in court. Nevertheless, three respondents mentioned that their SPO application had been rejected if bail conditions were already in place and two respondents stated that other orders were put in place instead of a SPO.

### **Internal legal departments**

The majority of respondents mentioned that police legal services had been helpful and were happy to approve applications for SPOs. As found in the 6-month review into SPOs, a few respondents mentioned that some legal departments were being risk averse and questioning the necessity of a SPO if bail conditions and other orders were already in place.

### **Breach of an order**

Of the respondents who were in a position to know (80), the majority (65%) felt that subjects mostly or completely adhered to the SPOs imposed on them. Only 6% answered that subjects 'mostly disobeyed' the order and no respondents answered that a subject 'wholly disobeyed' an order.

## Equalities impacts of SPOs

The survey asked respondents whether, in their experience:

- SPOs had been issued disproportionately to people with, and/or in order to protect people with, any of the protected characteristics set out in the Equality Act 2010; and
- SPOs had had disproportionate impacts (positive, negative or other) on victims or others with any of those same protected characteristics.

14 respondents answered the first question. 12 of them considered that there had been a disproportion in relation to sex, 11 of them to the effect that SPOs were disproportionately issued towards males in order to protect female victims. Four other protected characteristics (race, age, marital status and sexual orientation) received comments to similar effect from one or two of the respondents.

Five respondents answered the second question, four of them considering that SPOs had had a disproportionate effect on people of a particular sex, and one that they had had such an effect on those of a particular marital status.

While we do not have data on the protected characteristics of the people to whom SPOs were issued or of those people whom they were issued to protect, the above represents reasonable data to indicate a particular impact of SPOs on the basis of sex. Respondents did not indicate in their free text comments which sex this was (in retrospect the survey should have specifically requested this). Data from the Crime Survey for England and Wales for 2019/2020 data shows that, across all categories of stalking, women were much more likely to be victims of stalking than men. For example, 20% of women aged 16-74 had experienced stalking since the age of 16, compared to 10% of men. It therefore seems a reasonable inference that the disproportions identified are likely to be that SPOs were issued more to men than to women, and to protect women more than men.

## Other further comments and issues

Respondents were invited to add any further comments on SPOs at the end of the survey. Many respondents commented that SPOs were a positive and useful tool, noting that SPOs are better than other protective orders as they can impose positive requirements. However, a few respondents mentioned that appropriate perpetrator and treatment programmes are limited or not available.

Respondents also mentioned that training is required for police legal teams, Magistrates and District Judges on the use of SPOs. They commented that there is a lack of knowledge and a misunderstanding of how SPOs fit into safeguarding alongside bail conditions and other protective orders. Furthermore, they considered that some courts appear to interpret the necessity test for issuing an order without considering the wider context of stalking behaviours.

Respondents also mentioned that sharing good practice examples would be beneficial to encourage forces and legal services to use SPOs.

A few individuals stated that managing SPOs can be very time consuming and

requires a dedicated team to manage them. Some feel that SPOs should not be managed by ViSOR teams as they feel that that is to take resources away from managing registered sex offenders.

## **Key findings from the legal advisors survey**

Although 92 legal advisors completed this survey, it is important to note that 72 respondents had not been involved in any SPO application.

### **Utility and effectiveness**

Of those respondents who provided views on whether SPOs were an effective tool for protecting victims (23), a majority (61%) thought that they were an effective tool for protecting victims. However, a few respondents thought other protective orders could be used instead of a SPO and one mentioned that they are “no more reliable than a restraining order or bail conditions”. Of those respondents who provided views on whether police officers had completed SPO applications effectively (25), 40% believed officers had completed applications effectively, 20% ineffectively and 40% neither effectively nor ineffectively.

### **Training**

40% of respondents were satisfied, compared to 3% who were dissatisfied and 57% who were neither satisfied nor dissatisfied.

### **Prohibitions and Positive Requirements**

A majority (52%) of those who responded to the question felt confident in identifying appropriate conditions for magistrates to consider for a SPO.

## APCC Feedback

We also requested feedback from the Association of Police and Crime Commissioners (APCC) on SPOs, and their response (covering feedback from four PCCs) was mainly positive. The APCC said that in general, SPOs are working well and are providing a much-needed option in this space for addressing stalking-specific behaviours for victims. They also mentioned that feedback from victims outlines the impact they have had on “feeling supported and more protected”. Feedback from the PCCs who responded suggests that their forces are considering SPOs in all stalking cases.

They commented that officers’ knowledge of SPOs appears to vary across force areas. In forces where officers have been provided training and have access to ‘stalking champions’ they are more confident in using SPOs. Furthermore, some PCCs raised that they are experiencing difficulties with regards to finding appropriate perpetrator programmes and as a result they have not been able to include this condition as a positive requirement. However, the Home Office launched grant funding to support the introduction of perpetrator-focused domestic abuse programmes on 21 May 2021. £2 million from this fund will be allocated to programmes specifically aimed at stalking perpetrators. Furthermore, Sussex is currently piloting a course called Compulsive and Obsessive Behaviour Intervention (COBI) which could be suitable for use as a perpetrator programme. Sussex is using funding provided by the Domestic Abuse perpetrator fund launched by the Home Office in 2020 to support this initiative (and North Yorkshire PCC is also providing a stalking programme with funds from the same source). Feedback from support providers has been positive, with victims feeling as though they are more protected.

The APCC noted that, on the whole, conditions relating to prohibiting movement to specific areas seem to be effective. However, there is still a gap relating to cyber-stalking behaviours and these are difficult to address. They stated that courts tend not to grant SPOs that include conditions relating to monitoring or prohibiting cyber related activity. For example, in Sussex, Courts have rejected conditions for removal of certain electronic devices. This would be significant as online stalking behaviour now forms an element of nearly all stalking cases, as a result of the recent COVID-19 restrictions and repeated lockdowns<sup>3</sup>.

The APCC commented that, generally, most SPOs have been granted to date but that there are examples where further training would assist Courts with understanding stalking and SPOs in general. For example, it has been a challenge for breaches to be recognised by the Courts as significant.

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<sup>3</sup> [Download.ashx \(suzy.lamplugh.org\)](#)

## National Stalking Consortium Feedback

We also obtained feedback from the National Stalking Consortium on SPOs, which includes contributions from 22 members. The feedback was generally positive about the introduction of SPOs and the Consortium has provided examples of good practice. However, they did highlight a number of issues, not limited to: delays caused by the pandemic; SPO requests being declined for not meeting the stalking threshold; officers not responding to breaches in a timely manner; and police advising victims to apply for a non-molestation order instead.

The Consortium said that the introduction of Stalking Protection Orders has been a welcome and much needed change for victims, emphasising that positive requirements are an “excellent tool” when used accurately. They noted that where officers have been trained to apply for a SPO, orders are granted faster and are more tailored to the victim’s case.

The National Stalking Helpline (run by the Suzy Lamplugh Trust, one of the members of the Consortium) has witnessed positive cases where the Officer in Charge (OIC) has proactively pushed for a Staking Protection Order, regularly kept in contact with the victims and the advocate and made the victims feel believed and supported.

The National Stalking Helpline has had several cases where the police have applied for an interim SPO at the start of an investigation, with the plan to convert it to a full order upon conviction or acquittal, in place of a Restraining Order. The aim has been to use SPOs instead of a community order (if they are acquitted) to put positive obligations in place. None of these scenarios have come to fruition yet, but they believe it to be an example of a creative and innovative use of a SPO.

### Case studies provided by the Consortium to show positive practice with SPOs

[REDACTED owing to the risk of individuals being identified]

Overall, the Consortium consider the introduction of SPOs to have proved them to be a positive and useful tool for victims of stalking; however, the Consortium have raised that there have been a number of cases where clients have not been adequately supported. The pandemic and the lockdown have caused delays to the police and court process, thus impacting stalking cases in a range of ways, but most notably delaying the SPO hearings. (It should be noted, however, that the court backlog is only in the Crown Court and not in the Magistrates’ court, so issues surrounding Covid-19 should not generally be affecting SPO hearings. Individual cases can be delayed for a number of different reasons.)

In order to apply for a SPO, the police need to consider whether the respondent has carried out acts that amount to stalking, whether the respondent poses a risk of stalking to a person and whether there is reasonable cause to believe the proposed order is necessary to protect the other person from that risk. However, the Consortium mentioned that numerous cases show that police do not feel the stalking threshold has been met and have therefore declined the client's request for a SPO. The Consortium are “deeply disappointed” that victims are put in the position of

having to meet this threshold for a SPO, as the aim of the order was to protect them in the interim. They are concerned as victims are left without a legal remedy and feel they are not believed or supported.

The Consortium also raised that police officers have often not responded to breaches of Stalking Protection Orders in a timely manner. Below are two examples of this type of behaviour;

[REDACTED owing to the risk of individuals being identified]

The Consortium raised how vital it is that SPOs be adequately implemented, that officers respond to any breaches in a timely manner, and that the orders do not in any way replace criminal investigations. They can see the potential SPOs have to protect victims of stalking but believe there is a long way to go to adequately listen to and protect victims.

They have also seen that in cases where there have been no breaches of bail conditions, the officer is less likely to apply for a SPO and they have advised victims to get a non-molestation order instead. The Consortium have said that this advice is especially unhelpful for victims who cannot get a non-molestation order and SPOs should not be considered after breaches, as they are meant to be a protective measure. Officers have also stated that where there is a non-molestation order (which has been breached) or bail conditions (which have been breached) it would not be appropriate to apply for one.

Furthermore, the Consortium noted that in many cases where an interim SPO has been granted (during the course of an investigation), it is rare that the court then makes the application for a full SPO after the trial, even where the defendant has been found guilty. Instead, the option of an SPO is dropped and a Restraining Order is applied for in its place. The Consortium is unclear as to why this is occurring.

The Consortium raised that there have been cases of SPOs being heard in conjunction with criminal trials, therefore linking them to the criminal trial outcome. In practice, this means that if the court returns a not guilty verdict the SPO will also get thrown out. SPOs are a tool to protect victims in the lead up to a criminal trial and so the Consortium considers that they should not be heard at the same time. Veritas Justice cited the following case as a demonstration of this:

[REDACTED owing to the risk of individuals being identified]

We note, from discussions with partners in the criminal justice system, that there may however be reasons why an SPO should be heard concurrently with a criminal trial in particular cases. For example, if SPO hearings are separated from the criminal trial to avoid delay to the SPO application, there is a risk that the victim may have to give evidence twice, once to satisfy the court of the need for a SPO and again for the criminal trial.

Case studies provided by the Consortium to show negative practice of SPOs

[REDACTED owing to the risk of individuals being identified]

## Interview with a Victim

In order to gain victims' views on the introduction of SPOs, we set up a telephone interview with one victim who had obtained a SPO. The interview was facilitated by the Suzy Lamplugh Trust and an advocate asked questions that were provided by the Home Office. A Home Office official sat in on the call, in order to take notes.

[REDACTED owing to the risk of individuals being identified]

## Other SPO Research

A piece of research called “The impact of the Stalking Protection Order in enhancing policing responses to stalking” is currently being conducted within Cheshire Police. This research is still in progress, but emerging findings have been shared with the review. The research is focussed on the first six months post SPO implementation.

The methodology included a literature review, obtaining statistical data from police forces through the use of FOIs, carrying out a survey for police single points of contacts for stalking and conducting five semi-structured interviews with representatives from different police force regions.

### Key findings so far:

- The SPO process is slow and bureaucratic. The perception is that SPOs have been mis-sold, police were told they would provide early intervention and rapid protection for victims. SPOs are not a rapid response and there is a missing immediacy for a rapid response with interim orders. We should look at stalking notices like those used in DVPOs to speed up the process.
- The implementation of SPOs was left to individual forces.
- There is an apparent north / south distinction in the prevalence of SPOs. This is likely to be due to the disproportionate number of SPOs being issued in the Metropolitan Police and Sussex Police forces rather than a disparity in implementation activity overall.
- There is a preference for prosecution rather than putting forward a SPO.
- Most officers did not feel that Covid was the most significant barrier with regards to the slow application process for SPOs.
- The majority of interim orders had no positive requirements included in them.
- There have been a few cases where an individual has breached an order, but they have not been found guilty of (or even charged with) stalking in the criminal courts. This could potentially lead to an increase in appeals.

It should be noted that these findings are provisional and subject to change once the research has been completed.

## Recommendations

### Home Office

1. The Home Office will work with the NPCC lead to identify examples of SPO good practice to raise awareness among police forces and their legal teams. This is to encourage the use of SPOs in forces where few applications have been made or granted.
2. Commit to issuing further guidance on how to monitor and manage a SPO, as part of the Violence Against Women and Girls Strategy.
3. Home Office Minister to write to Chief Constables of forces which have applied for five or fewer SPOs to encourage them to always consider applying for SPOs.
4. Discuss with HMCTS their providing a targeted point of guidance for magistrates' legal advisers outlining the conditions that can be included on a SPO, and emphasising that conditions relating to monitoring or prohibiting cyber-related activity should be used if appropriate.
5. Write a communication for HMCTS to send to Heads of Legal Operations to encourage early listings for SPO hearings to enable quick and early protection for victims.
6. The Home Office will work with HMCTS to seek to establish periodic publication of SPO data.

### National Police Chiefs Council

7. For the NPCC lead to send a letter to police forces covering the following points:
  - The SPO evaluation findings, specifically highlighting the high grant rates in SPO applications to encourage more forces to apply for these orders.
  - Remind forces that they should consult with the victim or a stalking advocate when drafting conditions to ensure they are tailored to the victim's case.
  - Reminding forces that a standard form for the notification requirement is available and should be used. (Four respondents in the police survey were unaware that such a form existed.)
  - To ensure subjects of SPOs are made aware of and fully understand the notification requirement. (Six respondents from the police survey mentioned that some subjects were unaware of this requirement.)
  - SPOs should be considered even if bail conditions or other protective orders are in place.
  - Remind officers that they should respond to breaches in a timely manner.
8. The NPCC lead's office to work closely with stalking leads in forces to continuously embed awareness of the above issues.
9. Provide to HMCTS details of specific instances where SPO applications have been refused on the basis that bail conditions or alternative protective orders can provide equivalent protection, with a view to addressing such instances where appropriate.

## Appendix A: Caveats associated with Her Majesty's Courts and Tribunals Service data

### Data Coverage

The data shown in the table and the report have been taken from LIBRA MIS, which is the administrative system used to manage cases heard in the Magistrates' court. The system captures details of the case, including the offences, and since the introduction of Stalking Protection Orders (SPO), the application of these orders has also been captured. Every effort is made to ensure that the figures presented are accurate and complete. However, it is important to note that the data have been extracted from large administrative data systems generated by the courts. Consequently, care should be taken to ensure data collection processes and their inevitable limitations are taken into account when data are used. The cases extracted may then be updated subsequently (for example they may not have concluded when this work was completed). As such the figures presented in the report were correct at the time of extraction.

It is important also to note that the cases included in this report are identified using a search for specific codes within the field on LIBRA MIS called "Offence Code". The field includes details on offences and applications for new, varying, renewing, or discharging Stalking Protection Orders (the application for an order is not an offence in and of itself). These cases are then extracted, and the subsequent sequence events are identified manually. Due to the limitations of LIBRA MIS, significant report development would be required to automate this process. The full list of Offence Codes and Application codes used can be found below.

### Further detail about the case management systems

From September 2020, there has been a roll out of a new case management system (Common Platform) to courts across England and Wales. At the time of extraction of this data, we have been unable to capture applications for SPO made in Common Platform. We are still developing our ability to extract this level of detail from Common Platform. This means that the data presented in this report is an undercount from September 2020, but we do not know the extent of the undercount for the courts which moved onto this system between February 2020 and January 2021 (Chesterfield and Derby Magistrates' Courts).

### Case count for Stalking Protection Orders

The count is based upon the number of unique Case IDs where the Case Opened Date is within the period 20 January 2020 and 19 January 2021 and the Offence Code field is searched for ST19501 (Application for a Stalking Protection Order). The application itself does not differentiate between a full or an interim Stalking Protection Order.

## **Number of Orders issued (interim or full)**

For the cohort of applications that were received between 20 January 2020 and 19 January 2021, we have looked at the subsequent hearings that have taken place, and if any of those hearings have led to a result of full or interim Stalking Protection Order. The count of orders has been compiled through counting result codes from hearings which took place within the period 20 January 2020 and 19 January 2021 where the Result Code SPO (Full Stalking Protection Order, or Interim Stalking Protection Order) has been applied. If more than one Order has been issued, each issuance is included in this count.

If a hearing has taken place in the period and neither an Interim Order nor a Full Order has been issued (for example, the hearing was adjourned), these have not been counted.

## **Renewal applications**

Numbers of renewal application between 20 January 2020 and 19 January 2021 for interim SPOs were identified using a search in the Offence Code field for ST19506. There were no renewal applications for Full SPOs, after a search in the Offence Code field for ST19503.

## **Variance applications**

Numbers of variance applications between 20 January 2020 and 19 January 2021 for interim SPOs have been identified using a search in the Offence Code field for ST19505, and for full orders ST19502.

## **Discharge applications**

Numbers of discharge applications between 20 January 2020 and 19 January 2021 for interim SPOs have been identified using a search in the Offence Code field for ST19507, and discharge applications for full SPOs have been identified using a search in the Offence Code field for ST19504.

## **Offence of breaching an interim or full SPO**

The Offence Code ST19001 relates to an alleged breach of stalking order / interim stalking order. The number of cases with this offence code between 20 January 2020 and 19 January 2021 were identified.

## **Failure to notify offence**

The Offence Code ST19002 relates to the failure to notify police of notification requirements within three days of service of a stalking order / interim stalking order. The number of cases with this offence code between 20 January 2020 and 19 January 2021 were identified.

## Comparison of the figures which are published alongside this report

As set out earlier in the report, alongside this report, Home Office and HMCTS are releasing updated figures on the number of applications for SPOs, the numbers of full and interim orders issued, and the number of court receipts relating to alleged breaches of interim or full SPOs. Those figures relate to the period 1 February 2020 to 31 January 2021. The methodology for identifying applications for, and breaches of, a Stalking Protection Order is the same as that used within this report. However, within the accompanying release the methodology for counting interim or full Stalking Protection Orders granted is different: instead of following up a cohort of applications, the total number of orders granted has been identified instead. This should give a more accurate picture of the number of orders made.

## Accuracy of the figures

Every effort is made to ensure that the figures presented are accurate and complete. However, it is important to note that the data have been extracted from large administrative data systems generated by the courts. Care should be taken to ensure data collection processes and their inevitable limitations are taken into account when data are used.

## Specific Offence Codes

Offence Code	Offence Title	Legislation Field
ST19001	Breach of stalking order / interim stalking order	Contrary to section 8(1) and (2) of the Stalking Protection Act 2019.
ST19002	Fail to notify police of notification requirements within three days of service of stalking order / interim stalking order	Contrary to sections 9(1), 11(1)(a) and (2) of the Stalking Protection Act 2019.
ST19003	Fail to notify police of name not already notified within three days	Contrary to sections 9(3), 11(1)(a) and (2) of the Stalking Protection Act 2019.
ST19004	Fail to notify police of new home address within three days	Contrary to sections 9(4), 11(1)(a) and (2) of the Stalking Protection Act 2019.
ST19005	Fail to comply with request of police officer or other authorised persons for fingerprints / photographs / both	Contrary to sections 10(5), 11(1)(a) and (2) of the Stalking Protection Act 2019.
ST19006	Provide information relating to notification requirement known to be false	Contrary to sections 9, 11(1)(b) and (2) of the Stalking Protection Act 2019.

### Application codes that appear within the Offence Code field of LIBRA Mis

<b>Code</b>	<b>Title</b>	<b>Act &amp; Section</b>
<b>ST19501</b>	Application for a Stalking Protection Order	In accordance with section 1 of the Stalking Protection Act 2019.
<b>ST19502</b>	Application to vary a Stalking Protection Order	In accordance with section 4 of the Stalking Protection Act 2019.
<b>ST19503</b>	Application to renew a Stalking Protection Order	In accordance with section 4 of the Stalking Protection Act 2019.
<b>ST19504</b>	Application to discharge a Stalking Protection Order	In accordance with section 4 of the Stalking Protection Act 2019.
<b>ST19505</b>	Application to vary an Interim Stalking Protection Order	In accordance with Section 5(7) of the Stalking Protection Act 2019.
<b>ST19506</b>	Application to renew an Interim Stalking Protection Order	In accordance with Section 5(7) of the Stalking Protection Act 2019.
<b>ST19507</b>	Application to discharge an Interim Stalking Protection Order	In accordance with Section 5(7) of the Stalking Protection Act 2019.

## Appendix B: Caveats associated with Crown Prosecution Service data

This data extract of breaches under the Stalking Protection Act 2019 has been taken from the CPS caseload data available through its Case Management System (CMS) and associated Management Information System (MIS). These are administrative IT systems to assist in the effective management of the CPS prosecution functions. The CPS does not collect data which constitutes official statistics as defined in the Statistics and Registration Service Act 2007.

The non-validated data extract has been drawn from the CPS's administrative IT system, which, as with any large-scale recording system, is subject to possible errors with data entry and processing. The information has been prepared to give an indication of what occurs when breach proceedings are charged and have received at least a first hearing at the magistrates' court.

Consequently, care should be taken to ensure data collection processes and their inevitable limitations are taken into account when data are used. The cases extracted may then be updated subsequently (for example they may not have concluded when this work was completed).

It is important also to note that the CPS cases included in this report were analysed following a manual search of the Case Management System using the specific case unique reference numbers identified in the central management information data. The manual search enables the extraction of each case record and then a subsequent and detailed analysis of the electronic case file. It is not otherwise possible to extract this level of detailed information from the records held centrally in the Management Information System.