

REVIEW OF THE PROTECTION FROM HARASSMENT ACT 1997: IMPROVING PROTECTION FOR VICTIMS OF STALKING

SUMMARY OF CONSULTATION RESPONSES AND CONCLUSIONS



Home Office

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1. Introduction

BACKGROUND

A targeted consultation on stalking was launched on 14 November 2011 and closed on 5 February 2012. This document provides a summary of the consultation responses and findings, and outlines the Government's next steps.

This consultation sought the views of key partners and directly affected parties, including the police, practitioners, and other Government departments and organisations with a direct interest in preventing stalking. The primary aim of the consultation was to inform a decision on whether the Protection from Harassment Act 1997 ('the 1997 Act') and other legislation provides adequate protection to victims of stalking and if there should be a specific criminal offence in legislation which is clearly labelled 'stalking'.

OVERVIEW OF RESPONSES

We received 156 responses to the consultation. A full list of respondents is at annex A.

The Home Office also held four regional road shows in 2011, to promote awareness of stalking and to gain feedback on the consultation from specialists, frontline staff and victims of stalking. This information has also been considered in the response.

This response also takes into account the findings of the recent inquiry into stalking law reform led by the cross-Parliamentary Justice Unions' Group. The group held five 90 minute evidential sessions in order to receive evidence from victims, frontline professionals and others with an interest in stalking law reform. Individuals and organisations were also invited to submit written evidence.

All comments, opinions and suggestions have been considered in the development of this response. The responses represented both independent views and those submitted as a collective view of organisations, agencies and charities. We would like to take this opportunity to thank all respondents who have contributed to this consultation. We will continue to engage with partners as we move forward.

2. Summary of responses and government's conclusions

We have carefully considered all of the comments made in response to this consultation. We have also had regard to the Violence Against Women and Girls (VAWG) Action Plan, which shapes the Government's policy in the prevention of harm to women and girls. The Government made stalking a priority in this Action Plan, however our objectives aim to benefit both male and female victims of stalking. Where the Government response identifies an action that forms part of the VAWG Action Plan, this is clearly indicated.

This Government is committed to ensuring that the views gathered in this consultation are used to better tackle stalking. We have already taken action on key recommendations from the consultation and introduced new legislation naming stalking as a specific offence and widening police search powers. We will continue to progress the actions identified to protect victims and prosecute stalking to address this terrible crime.

POLICE INFORMATION NOTICES

Q1. In your view, how effective are Police Information Notices in tackling stalking in the early stages? Please provide additional reasons to support your views.

Response selected	Total	% of responses
Not effective	55	35
Partially effective	63	40
Effective	15	10
Did not answer question	23	15

SUMMARY OF RESPONSES:

The majority of respondents thought that Police Information Notices (PINs) were either ineffective or, at best, only partially effective. It was felt that PINs were only effective when given to first-time or low-level offenders, many of whom were unaware of their offending behaviour and most likely to be dissuaded from continuing with it. Respondents broadly felt that PINs were not effective with repeat or persistent offenders, many of whom had no intention of complying with the law.

There was a noticeable difference between the responses from the police and from other categories of respondent and, in particular, the public. The majority of responses from the police regarded PINs as either effective or partially effective, whereas the majority of responses from the public regarded PINs as ineffective. The police regard PINs as a valuable resource in preventing stalking cases from escalating and in deterring low-level offenders, and is a key process to have been carried out if the case moves to the prosecution stage. However, the police did acknowledge that PINs have less impact with repeat or serial offenders.

The public were concerned that the police did not enforce PINs, that offenders did not take notice of them, that they gave victims a false sense of security and increased the risk of harm by putting victims at risk of reprisal from perpetrators.

A small number of respondents felt there needed to be stronger scrutiny of allegations of harassment when there were disputes between former partners over child contact. They felt that the police were too willing to issue PINs without first investigating whether their former partner had made a malicious allegation of harassment in order to obstruct contact with their children.

GOVERNMENT RESPONSE:

It is the police’s responsibility to determine the best way to protect victims and to ensure that offenders comply with the terms of notices. We consider that the best way forward is to work with police on guidance on the issue of PINs, which would form part of the wider guidance on stalking for the police that we are working with ACPO to produce.

Future action:

The Home Office will work with ACPO to review guidance for the police on the issuing of PINs as part of updating wider stalking and harassment guidance (links to Action 61 from VAWG Action Plan)

SEARCH POWERS

Q2. Should the police have the power, in addition to the limited powers available for summary only offences, to search premises and seize property in relation to offences under Section 2 of the Protection from Harassment Act 1997? Please provide additional reasons to support your views.

Response selected	Total	% of responses
No	22	14
Partially	3	2
Yes	115	74
Did not answer question	16	10

SUMMARY OF RESPONSES:

The majority of respondents supported the extension of police search and seizure powers to cover offences under Section 2 of the 1997 Act. The most frequent reasons given in support of this measure were:-

- it would enable the police to find corroborated evidence that would strengthen a prosecution case;
- technological advances and the scope for perpetrators to either disguise their identity or adopt multiple identities makes it necessary for the police to have this power if they are to prove that an offence has taken place; and
- search and seizure powers would reflect the seriousness of the offence and the impact of the offending behaviour on victims.

Some responses suggested that Section 2 of the 1997 Act should be made triable either way rather than being a summary-only offence, thereby allowing search and seizure.

There were, however, a few dissenting voices. A circuit judge claimed that search and seizure powers were completely ineffective. A few respondents stated that the police could obtain evidence from Internet Service Providers or work with them to block internet access, and did not need extended powers of search and seizure. It was also argued that search and seizure should be restricted to serious cases of harassment and stalking, and that there was a need for precautions to prevent an abuse of power.

GOVERNMENT RESPONSE:

We have concluded that the introduction of enhanced powers of entry, search and seizure for the police in respect of their investigation of low level stalking offences is justified, as it will increase the likelihood of independently corroborated evidence being available to support a prosecution.

Completed action:

We have now amended the existing Protection from Harassment Act 1997 so that the police will have the power of entry, search and seizure in respect of investigations into the newly-defined summary-only offence of stalking (section 2A). This provision will come into force following updates to training and guidance for relevant professionals.

WORKING TOGETHER AT LOCAL LEVEL

Q3. In your view, do you consider that local agencies (including the police, other Criminal Justice partners and other police services) and the public are sufficiently aware of what stalking is and the behaviour it covers? Please provide additional reasons to support your views.

Response selected	Total	% of responses
No	107	69
Partially	25	16
Yes	14	9
Did not answer question	10	6

Q4. In your view, are local agencies (including the police, other Criminal Justice partners and other police services) provided with sufficient training on how to address stalking? Please provide additional reasons to support your views.

Response selected	Total	% of responses
No	108	69
Partially	9	6
Yes	14	9
Did not answer question	25	16

SUMMARY OF RESPONSES:

A significant majority of respondents answered “no” to both questions. The public, the voluntary sector and domestic violence co-ordinators overwhelmingly responded “no”. However, over 50% of police officers responding stated that they were either sufficiently or partially aware of what stalking was.

Respondents felt that agencies lacked an understanding of the behaviours constituting “stalking” and, in particular, cyber stalking. They also felt there was a lack of understanding on the impact of stalking on victims and that the focus was mainly on high-risk offenders at the expense of tackling stalking in the early stages. There was acknowledgment that some agencies were sympathetic to victims, but there was a lack of consistency in their approach.

Respondents felt that the public regarded stalking as nothing more than a petty nuisance, that it was an issue only for celebrities and were often unsympathetic to victims, sometimes blaming them for their predicament.

Several respondents were concerned about ‘mission creep’ in the use of the 1997 Act, for example, disputes between neighbours and protests. They argued that the Act was losing its impact and focus by being used for relatively trivial offences, and some respondents regarded the use of the Act against protests, as a threat to freedom of expression.

There were mixed views about the levels of training provided. Some said that all agencies lacked adequate training, while others said that the police were well-trained. However, there was a general feeling that agencies needed to understand the cycle of abuse and patterns of offending behaviour to be in a position to tackle stalking effectively. Respondents also felt that training should focus on the early stages of stalking and prevent escalation of stalking behaviours rather than address the issue only when it had become serious.

GOVERNMENT RESPONSE:

Although guidance and training on stalking is already in place within a number of areas of the criminal justice system, we have concluded that there is justification for strengthening guidance and providing further training to the police service, CPS and other key criminal justice practitioners on the nature and impact of stalking on victims, on patterns of stalking behaviour and on tackling stalking in the early stages. This training could also provide agencies with best practice in responding to victims’ complaints, including showing empathy with victims and identifying other statutory and voluntary agencies that could help them. We will discuss how to develop this

with the Ministry of Justice, ACPO and other agencies, and consider how this can be extended to other statutory and voluntary agencies responsible for supporting victims of stalking.

The Government cannot direct the CPS on how to prosecute offences under the 1997 Act. Likewise, it cannot direct judges and magistrates on how to deliver verdicts or sentences. However, the responses have highlighted a need for guidance to criminal justice professionals on the use of the 1997 Act and the specific issues faced by victims of stalking.

Future actions:

- The Home Office will work with ACPO to develop updated training, guidance and awareness raising for police forces on stalking and the operation of the 1997 Act (links to Action 61 of the VAWG Action Plan)
- The Home Office and the Ministry of Justice will engage with the Ministry of Justice, Judicial College, HMCTS and NOMS to improve guidance and training on stalking (links to Action 61 of the VAWG Action Plan)
- The CPS will develop updated training, guidance and awareness raising on stalking and the operation of the 1997 Act (links to Action 62 from VAWG Action Plan)

OTHER REMEDIES TO TACKLE STALKING

Q5. In your view, how effective are restraining orders and civil injunctions in tackling stalking? Please provide additional reasons to support your views.

Response selected	Total	% of responses
Not effective	49	31
Partially effective	52	33
Effective	28	18
Did not answer question	27	17

Q6. In your view, how effective are sanctions for breaching restraining orders? Please provide additional reasons to support your views.

Response selected	Total	% of responses
Not effective	64	41
Partially effective	26	17
Effective	21	13
Did not answer question	45	29

SUMMARY OF RESPONSES:

There was a noticeable difference between responses from the police and the public. The majority of police responses, including ACPO, considered that restraining orders and civil injunctions were either effective or partially effective, provided they were issued to offenders who were more likely to comply and were rigorously followed up in cases of breaches. However, the public felt that orders and injunctions were not strong deterrents, were routinely breached and lacked effective sanctions.

A high proportion of respondents gave qualified responses on the effectiveness of restraining orders and civil injunctions. It was acknowledged that they were effective if used properly and if breaches of orders or injunctions were enforced robustly. However, many respondents felt that restraining orders and civil injunctions were only effective in dealing with stalking in the early stages and in dealing with the less determined stalker who was more likely to comply with the law. They did not think that more determined or persistent stalkers would be deterred.

The cost of obtaining civil injunctions was mentioned as a barrier and the difficulty in policing cyber stalkers, who were using public internet facilities in libraries and internet cafes to circumvent orders and injunctions, was also mentioned.

A clear majority of respondents did not consider the sanctions for breaching restraining orders to be effective, and this applied to all groups of respondents. Many respondents thought that the courts were not enforcing sanctions and that it took several breaches before action was taken. It was also felt that sanctions were ineffective against determined or persistent offenders. There was strong support for a custodial sentence for breaches of restraining orders.

GOVERNMENT RESPONSE:

The Government cannot direct courts on how to deliver verdicts or sentences on breaches of restraining orders. However, we have committed to a programme of awareness raising for staff throughout the CJS (p.7) and hope that this will make professionals more aware of the particular challenges faced by the victims of stalking.

It is the police's responsibility to protect victims and to ensure that offenders comply with the order's terms. We consider that the best way forward is to work with police to provide guidance on the issue and enforcement of restraining orders and civil injunctions, which would form part of the wider guidance on stalking for the police that we are working with ACPO to produce.

Future action:

The police will be expected to monitor robustly the compliance of offenders with restraining orders and civil injunctions and to take prompt action in cases of breaches. The Home Office will work with ACPO to review guidance for the police (links to Action 61 from VAWG Action Plan)

OUR BROADER APPROACH

Q7. In your view, what, if any, improvements could local agencies make to their response to victim complaints? Please provide additional reasons to support your views.

Q8. In your view, what, if any, barriers are there to victims coming forward to the police? Please provide additional reasons to support your views.

Q9. In your view, what, if any, barriers are there to the Crown Prosecution Service gaining prosecutions that result in conviction? Please provide additional reasons to support your views.

SUMMARY OF RESPONSES:

The most frequently suggested improvements for local agencies to make were: –

- taking victims' complaints seriously;
- having a single point of contact assigned to each victim;
- providing an effective multi-agency response;
- ensuring that staff have relevant knowledge about stalking and show empathy to victims;
- providing victims with information on other agencies and organisations who can help them;
- statutory agencies should be required to prepare risk management plans.

Reasons given for not coming forward were the fear of: –

- Their complaints not being believed or taken seriously;
- having to face the perpetrator in court;
- being questioned aggressively by the perpetrator's solicitor or barrister;
- fear of reprisals from perpetrators, and;
- being referred to social services and having children taken into care.

Respondents felt the main barriers to CPS gaining successful prosecutions were: –

- obtaining independently corroborated evidence that an offence was being committed;
- the lack of awareness of stalking amongst the CPS, magistrates and juries;
- the reluctance of CPS to proceed with prosecutions if the likelihood of obtaining a conviction is low, and;
- CPS downgrading prosecutions to a lesser offence in order to increase chances of obtaining a conviction.
- victims were often intimidated by courts.

CPS's response stated that they take harassment and stalking very seriously, although they recognise there are challenges in obtaining sound evidence.

GOVERNMENT RESPONSE:

A wide range of suggestions for improvement were presented in this section and this evidence will be looked at further as part of the Government's longer term consideration of how to best tackle stalking. The response below highlights actions that are currently planned.

Supporting victims through the criminal justice system

Some victims feel that their complaints or reports of crime are not always taken seriously. Justice depends on the public having trust in the system. It depends on victims and witnesses of crime coming forward to report an incident, to provide a statement and, as a case progresses, to give evidence in court. The Government is committed to ensuring that victims' reports of crime and their concerns are taken seriously by criminal justice agencies and that they are treated with dignity and respect.

The Code of Practice for Victims of Crime (the Victims' Code) was introduced in 2006. It sets out the minimum standard of service to be provided to victims of crime in England and Wales by criminal justice agencies. This includes the provision of information on the criminal justice processes and on progress with their case and referral of victims to Victim Support. The Government published its Government Response to the consultation 'Getting it right for victims and witnesses' on 2 July, which is available at <https://consult.justice.gov.uk/digital-communications/victims-witnesses>.

The consultation document included proposals to review and re-write the Victims' Code so that it is easier for victims to understand what services criminal justice agencies should provide for victims. The consultation sought views on a set of principles that the new code should be based on which included treating victims with dignity and respect and taking their reports of crime and their concerns seriously. The Government will reflect further on the wide range of responses to inform the content of the draft Victims' Code that will be published for consultation next year. It will be based on the principles proposed, suitably adjusted to take account of respondents' comments. The Government will also work with the Parliamentary and Health Service Ombudsman's Office, criminal justice agencies and victims' groups to assess the viability of the ideas proposed in response to the consultation 'Getting it Right for victims and witnesses' and to develop a more accessible approach to complaints as part of a new Victims' Code.

It is vitally important that victims receive the support they need to attend court. Special measures can be put in place for those who are feeling vulnerable or intimidated to help them give their best evidence (e.g. screens around the witness box or giving evidence outside the court room via live video link). However, we recognise that this can still be a daunting experience and the Ministry of Justice is carefully considering the responses received to its consultation "Getting it right for victims and witnesses" in the development of policies to further improve the experience of witnesses at court.

The programme of awareness raising for staff throughout the CJS (p.7) should make professionals more aware of the particular challenges faced by the victims of stalking and enable them to provide the right support.

Points of contact for stalking victims

There are already a number of measures in place to support victims through the course of a prosecution. We feel that it will be more effective to ensure those services are better equipped to support stalking victims than to create a new service to provide points of contact. Although it is for each police force to determine the most effective way of tackling crime in their local area, ACPO facilitated the introduction of stalking Single Points of Contact in February 2010. Every force in England and Wales has nominated a Single Point of Contact to deal with victims of stalking and harassment and the National Stalking Helpline has an open dialogue with these officers. In some cases the helpline will make case referrals to these officers.

Once a charge has been made, Witness Care Units (WCU), jointly run by the CPS and the police, provide a single point of contact for victims and witnesses concerning the criminal case as set out in the Victims' Code. The WCU is responsible for carrying out a needs assessment of the victim/witness to consider if they have any particular needs to enable them to attend court and give evidence and for keeping victims and witnesses informed of progress in their case and informing them of the outcome of court hearings.

The Ministry of Justice provide a grant to Victim Support to provide the Witness Service in every criminal court in England and Wales. Witness Service volunteers will provide information about what to expect in court, including a chance to see the court beforehand and learn about court procedures, someone to talk to confidentially about feelings before trial, a quiet place to wait before being called to give evidence, emotional support before and after giving evidence, practical help.

HMCTS also has Witness Liaison Officers (WLOs) in each of its courts. Their role is instrumental in ensuring the consistent and appropriate care for victims and witnesses whilst they are attending court. In particularly sensitive cases such as stalking, HMCTS and the Witness Service make arrangements for alternative entry and exit routes to limit the opportunities for witnesses and the opposing party to meet.

WCUs and WLOs are experienced at dealing with intimidated and vulnerable witnesses and victims. However, it is considered that they would benefit from awareness raising on the new stalking offences and the issues victims of stalking are likely to face so they can better support them through the course of a prosecution.

Future action:

- The Ministry of Justice is working with the police and ACPO on guidance and training to help improve support and protection for all vulnerable and intimidated witnesses. We will ensure that this also covers the specific needs of victims of stalking.
- The Home Office will work with the CPS, ACPO and HMCTS to raise awareness on the new offences and supporting victims of stalking with WCUs and WLOs.

Following publication of its response to the consultation "Getting it right for Victims and Witnesses" the Government is embarking on wide-ranging reforms to ensure victims of the most serious crimes, the most persistently targeted and the most vulnerable have access to the support they need, when they need it. Under these reforms the majority of support services for victims of crime will be commissioned at a local level by elected Police and Crime Commissioners (PCCs). This will ensure that available funding is better targeted to those victims who need it the most.

It will be for each PCC to decide upon the need for emotional and practical support for victims of stalking in his or her police force area and they will seek the advice of experts as they put in place their plans. The police and crime panels that will be set up to scrutinise the work of the PCCs will play a key role in holding the work of the PCCs to account and ensuring that PCCs spend money in an appropriate way but they will ultimately be held to account by the public they serve.

LEGISLATION AND ITS USE

Q10. The current legislation addresses cyber stalking and the Association of Chief Police Officers (ACPO) and the Crown Prosecution Service (CPS) guidance makes this explicit. In your view, is the current legislation and supporting guidance ‘sufficient’? Please provide additional reasons to support your views.

Response selected	Total	% of responses
No	78	50
Partially	2	1
Yes	40	26
Did not answer question	36	23

Q11. In your view, is there anything that could make a difference to how cases are investigated and prosecuted? Please provide additional reasons to support your views.

Response selected	Total	% of responses
No	0	0
Partially	0	0
Yes	125	80
Did not answer question	31	20

Q12. Is the current legislation sufficient in dealing with stalking perpetrators? If not, what evidence do you have of the gap in the law?

Response selected	Total	% of responses
No	88	56
Partially	1	1
Yes	34	22
Did not answer question	33	21

Does a specific offence of “stalking” need to be defined on the face of legislation? If you consider there should be a specific offence, we would be grateful for your views on what it should contain. Please provide additional reasons to support your views.

Response selected	Total	% of responses
No	4	3
Partially	0	0
Yes	79	51
Did not answer question	73	47

Q13. Do you think there is a need to increase the number of stalking perpetrators we bring to justice and, if so how? Please provide additional reasons to support your views.

Response selected	Total	% of responses
No	9	6
Partially	0	0
Yes	118	76
Did not answer question	29	19

SUMMARY OF RESPONSES:

The Legislation

The majority of respondents considered that current legislation was inadequate for dealing with stalking perpetrators (56%) and 51% felt that stalking needed to be defined in law through a specific offence. This trend was repeated across all groups of respondents with the exception of the criminal justice system, where ACPO, CPS and a majority of police respondents considered that current legislation was adequate and the issue was its enforcement. ACPO expressed concern that a narrow definition of stalking could reduce the effectiveness of the 1997 Act.

Not many respondents defined the actions or behaviours to be included in a specific offence of stalking but, of those who did respond, the most frequent suggestion was for it to be based on the Criminal Justice and Licensing (Scotland) Act 2010.

Investigation/Prosecution

Respondents overwhelmingly took the view that there was more to be done on how cases were investigated and prosecuted. The most common suggestions were that: –

- prosecutions should be carried out more quickly;
- victims should be taken seriously;
- there should be specialist training for the police, CPS and support workers, and;
- there should be better information-sharing between key agencies.

Perpetrators

Significant majorities of respondents also thought that we should be bringing more perpetrators to justice and protecting victims of stalking more effectively. Some of those who commented considered that the introduction of a specific offence of stalking would achieve this. Other suggestions to achieve this outcome were to introduce a presumption of prosecution, to publicise successful prosecutions in order to encourage more victims to come forward and to stop the practice of charging offenders with less serious offences in order to improve the chances of securing a conviction.

GOVERNMENT RESPONSE:

We recognised the views of ACPO and CPS that existing legislation covered stalking sufficiently and that it was effective if properly enforced. But we noted the considerable weight of feeling that the 1997 Act was failing to protect victims of stalking, including the recent development of online stalking behaviour (also known as cyber stalking). We also noted that some responses criticised the fact the Protection from Harassment Act has been used for disputes between neighbours and protests as well as for stalking cases, and that they felt these issues should be dealt with under different provisions. We concluded that the introduction of specific offences of stalking and stalking where there is a fear of violence or serious alarm or distress were justified in the light of public concern and to ensure that stalking is treated distinctly from other forms of harassment.

Completed Action:

We have now amended the existing 1997 Act to include these offences (Action 85 from VAWG Action Plan). They will come into force following updates to training and guidance for relevant professionals.

PROTECTING VICTIMS

Q14. Do you think we need to protect stalking victims more effectively and, if so, how? Please provide additional reasons to support your views.

Response selected	Total	% of responses
No	5	3
Partially	0	0
Yes	132	85
Did not answer question	19	12

SUMMARY OF RESPONSES:

Respondents made a wide range of suggestions to protect victims more effectively. These are set out below under thematic headings:-

Enforcement

- greater use of custodial sentences;
- imposing curfews on convicted stalkers and requiring them to wear electronic tags;
- putting offenders on mandatory licence on release from prison, with restrictions on their behaviour and proximity to victims and their friends or families;
- using banks, internet service providers and mobile phone companies to monitor their whereabouts;
- introducing a requirement for social media providers to control and monitor their sites;
- ensuring internet service providers and social media co-operate with the police during investigations of allegations of harassment and stalking.

Personal protection for victims

- providing victims with information about recourse to the law if they have been stalked, and a personal safety plan;
- providing victims and potential victims with details of the criminal records and addresses of perpetrators living in their neighbourhood;
- providing victims with psychological support, and;
- empowering victims to protect themselves.

Improving support for victims

- making better use of risk assessments with a requirement to have a plan to manage risk, and;
- providing the police and criminal justice practitioners with training on internet technology to improve their capacity to identify and prosecute online stalkers.

GOVERNMENT RESPONSE:

A wide range of suggestions for improving support to victims were provided and this evidence will be considered as part of the Government's longer term approach on tackling stalking. The response below highlights actions that are currently planned.

As previously stated, the Government published its Government Response to the consultation 'Getting it right for victims and witnesses' on 2 July which considers how to better support victims of crime.

Several respondents were in favour of giving victims the right to obtain details of the names and whereabouts of stalking perpetrators living in their neighbourhood. The police already have common law powers to disclose information relating to previous convictions/charges where there is a pressing need for disclosure of the information concerning the individual's history in order to prevent further crime. The need for disclosure to prevent further crime will need be balanced against the individual's right to respect for private and family life. However, it is recognised that these powers are not currently used consistently within police forces and there are concerns about the scope and proportionality of disclosing such information and the safeguards needed against malicious applications.

We took the view that these concerns should be tested in a domestic violence disclosure scheme pilot. This pilot will enable police to disclose information about an individual's criminal record to someone who is in an intimate relationship with them. There are two options – the right to ask and the right to know. The first gives people the right to ask police about a partner's previous history of domestic violence or violent acts, and the second means police can proactively disclose information in certain circumstances. Offences disclosed could include those under the Protection from Harassment Act 1997. Evidence suggests that about half the victims of stalking are stalked by ex-partners¹ so this pilot could benefit a significant proportion of victims by making them aware of the risks they are facing.

Future action:

Under a one-year pilot, to be introduced in the police force areas of Greater Manchester, Gwent, Nottinghamshire and Wiltshire from the summer of 2012, the public will have the right to ask the police for details of previous violent offending by a new or existing partner. (Action 95 from VAWG Action Plan)

A number of respondents raised concerns relating to cyber-stalking. For the most part, social network site operators adopt sensible and responsible positions on illegal, inappropriate and offensive content hosted on their sites in the terms and conditions they require for use of their services. Internet service providers and social media also already have a legal obligation to co-operate with the police during investigations of allegations of harassment and stalking.

1 Approximately 40% of people who contact the National Stalking Helpline report that they are being stalked by ex-intimates (i.e. ex-partners) and a report produced by Dr. Lorraine Sheridan and Network for Surviving Stalking, in which 2,292 victims of stalking were surveyed, found that 50% of victims were stalked by ex-intimates.

However, the Government recognises that this is an area where we must continue to work with industry to ensure space on-line is not used to circumvent the laws of this country. In July 2011 we held a ministerial seminar on personal harm over the internet (covering hate crime and cyber stalking) with internet service providers, charities, victims and officials and work to take this forward is being discussed. We will work with industry to ensure social networking sites and other on-line platforms are taking the necessary steps and responsibility to deal with criminal activity of users.

Future actions:

- Work to tackle sexual bullying and harassing practices such as ‘sexting’ (Action 10 from VAWG Action Plan)
- Continue work with internet service providers and social media to identify effective practices to improve the response to online harassment and stalking.

We recognise that some respondents were not convinced that restraining orders were an effective sanction or that they were enforced with sufficient rigour. The same issues were raised under questions regarding other remedies to tackle stalking (q.5 and 6); p.9 provides the government response on this issue.

Concerns were also raised about the lack of custodial sentences in stalking cases. The Government cannot direct judges and magistrates on how to deliver verdicts or sentences, and in some cases custodial sentences will not be appropriate. However, it is important that judges and magistrates understand the issues faced by stalking victims, and we will therefore look at raising awareness with them (p.7). The Government Response to the consultation ‘Getting it right for victims and witnesses’ has also committed to reviewing how the Victims Personal Statement is offered and used throughout the criminal justice process. This Statement can be taken into account in sentencing and at other stages of a case, and can be used to highlight how a crime has affected a victim and concerns they may have.

IMPACT OF CONSULTATION

Q15. In your view, who do you think will be impacted by this consultation? Please provide additional reasons to support your views.

Q16. In your view, what impacts do you think this consultation will have? Please provide additional reasons to support your views.

Q17. Do you have any other observations on the operation of the 1997 Act? Please provide additional reasons to support your views.

SUMMARY OF RESPONSES:

Respondents think that the consultation will impact on the following groups of people:-

- Victims of harassment and stalking – through having clearer law which enables the police to take appropriate action against perpetrators of harassment and stalking;
- Perpetrators – through the courts having sufficient powers to pass appropriate sentences and impose further restrictions in order to protect victims;
- The police – through having more powers of search and seizure which will assist investigations; and
- CPS and criminal justice system partners – by ensuring consistency in sentencing, imposition of restrictions and in dealing with breaches of restraining orders and civil injunctions.

There was a mixed response to the question about the impact of the consultation. Some were optimistic and said that the consultation would lead to a greater awareness of stalking, that stalking would be taken more seriously by the police, the criminal justice system and other front line agencies and that there would be better support for victims. The consultation was also seen as a sign of the Government's commitment to tackle stalking.

Other responses were less confident that the consultation would lead to change. The affordability of training for the police and criminal justice professionals was cited as one barrier to change. Some respondents doubted that social and cultural attitudes towards stalking would change. Other respondents felt that the Government needed to give a stronger lead to ensure that personal safety was given a higher profile. They argued that property crime was always given a higher priority than personal safety and gave as an example the high priority given by the Government to tackling metal theft.

Respondents made two common observations on the operation of the 1997 Act. The first was that the Act needed updating to account for technological advances made since 1997. The other was that the Act was being used too widely, for example, in neighbour disputes and protest, and that its use in these areas of law was not appropriate.

GOVERNMENT RESPONSE:

This Government is committed to ensuring that the views gathered in this consultation are used to better tackle stalking. We have already taken action on key recommendations from the consultation and introduced new legislation naming stalking as a specific offence and widening police search powers. We will continue to progress the actions identified to protect victims and prosecute stalking to address this terrible crime.

Annex A

BREAKDOWN OF RESPONDENTS

The consultation received 156 responses from stakeholders and interested parties, including:

Policing agencies

- Association of Chief Police Officers
- Lancashire Constabulary
- Lincolnshire Police
- West Yorkshire Police
- 26 police officers

Legal professionals

- CPS
- Council of HM Circuit Judges
- Magistrates' Association
- London Criminal Courts Solicitors Association
- Kingsley Napley
- One circuit judge
- One magistrate
- One solicitor

Other professional groups

- British Psychological Society

Charity and voluntary groups

- Suzy Lamplugh Trust
- Police Foundation
- National Federation of Women's Institutes
- Welsh Women's Aid
- Women's Aid Federation
- Lancashire Domestic Abuse Partnership
- Action Scotland against Stalking
- 19 online responses from individuals

Central and local government and agencies

- Staffordshire and West Midlands Probation Trust
- NHS Protect
- One online respondent from a Government department employee
- Two online respondents from Community Safety Partnerships
- Four online respondents from local authority employees
- 12 online responses from domestic violence co-ordinators and practitioners

- Six online responses from National Health Service employees
- Two online responses from probation officers

Non-governmental organisations

- Independent Police Complaints Commission

Trade Unions and staff/student associations

- National Association of Probation Officers
- National Union of Students
- Public and Commercial Services Union

Individuals

- 38 members of the public



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