



Home Office

Introducing a Stalking Protection Order – a consultation

Summary of responses

7 December 2016

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1. Introduction

This document is a summary of responses received for the consultation paper *Introducing a stalking protection order: a consultation*.

It covers:

- the background to the consultation;
- a summary of the responses received; and
- the next steps following the consultation.

2. Background

In 2012, the Government amended the Protection from Harassment Act 1997 to introduce two new stalking offences. Since then, training has been delivered to police and prosecutors, and in 2015-16, 1,102 prosecutions were commenced under the new offences; this is encouraging and shows that the legislation is taking effect¹. However, not all cases will progress to prosecution immediately, and for cases of so called 'stranger stalking' - where the perpetrator is not a partner or ex-partner - there are fewer measures available to protect victims.

The consultation paper, '*Introducing a stalking protection order: a consultation*', was published on 5 December 2015 to explore whether the introduction of a new civil order to protect victims of stalking would be beneficial. The consultation sought views on:

- the effectiveness of existing interventions;
- the challenges of identifying stalking in its early stages;
- how a stalking protection order might work in practice; and
- what penalty should be imposed for breach of an order.

The consultation closed on 29 February 2016. This document sets out a summary of the responses to the consultation and outlines the Government's next steps.

¹ Crown Prosecution Service Violence Against Women and Girls Crime Report 2015-16 <http://www.cps.gov.uk/publications/equality/vaw/#a02>

3. Summary of Responses

A total of 132 consultation responses were received. The responses came from a variety of respondents including the police, legal professionals, local authorities, non-Government organisations and members of the public. A breakdown of respondents is set out below.

Respondents to the online survey were deliberately not asked to identify themselves to allow anonymity to those who wanted it. However, many respondents chose to record their identity, either through the online survey or by submitting their consultation response via email. A breakdown of respondents is set out in the table below. Where a respondent has not identified themselves, they have been recorded as a 'member of the public'.

Type of Organisation	Number of respondents
Charity	9 (7%)
Police / Law Enforcement	15 (11%)
Professional body	8 (6%)
Local Government	4 (3%)
Member of the public	96 (72%)
Total	132

Part One: Effectiveness of current measures

Are there orders or injunctions already available that could be used to better effect to address stalking?

41% of respondents did not believe that existing orders or injunctions could be used to better effect to address stalking. 29.5% of respondents answered 'yes' and the same number answered 'don't know' (including nil responses). Many respondents who answered either yes or no highlighted that they felt there was confusion about the processes in place and that the financial impact for victims applying for certain orders was an issue.

Do such measures provide sufficient protection to victims of stalking and in particular victims of 'stranger stalking' in advance of a prosecution, or if a prosecution is not yet possible?

The majority of respondents (69%) did not believe that current measures provide sufficient protection to victims of stalking. Many respondents stressed that there was a gap in current measures in relation to protecting victims of 'stranger stalking'.

What do you see as the restrictions or deficiencies in the use of the currently available measures?

The most frequent issue cited about challenges regarding the use of existing measures currently available was an inconsistent response from the criminal justice system. **20%** of respondents stressed a lack of understanding of stalking amongst professionals including the police, and a failure to take stalking seriously. Other concerns raised by respondents included:

- the cost of applying for current orders;
- the speed in which an order can be obtained which can allow stalking behaviour to become entrenched;
- victim blaming or too much onus on the victim; and
- an increase in the risk of harm to victims after reporting.

Part Two: Scope of the stalking protection order

What restrictions should it be possible to place on a perpetrator to help protect victims through a civil order (new or existing)?

24% of respondents stressed that the order should restrict the perpetrator from making any form of contact with the victim. **20%** of respondents specifically mentioned the need for an order to be able to restrict online activities of perpetrators (for example, digital surveillance, conditions preventing indirect contact with the victim such as posting things about them). Other restrictions mentioned by respondents included: the ability to place geographical restrictions on the perpetrator, the ability to tag and/or monitor the perpetrator's movements and activities (including online).

What positive requirements, if any, could be placed on a perpetrator to help break the fixated nature of their offending at an early stage that could be included in a stalking protection order?

32% of respondents highlighted the importance of ensuring that perpetrators could change their behaviour through a mental health assessment and treatment. Other suggestions for positive requirements included: attending a perpetrator intervention programme or awareness course (**28%**) and counselling (**11%**).

If we were to introduce a stalking protection order, what should the penalty be for breaching such an order: should it be punishable as contempt of court and/or as a criminal offence?

The majority of respondents (**80%**) answered 'yes' to breach of a stalking protection order being a criminal offence.

42% of respondents answered 'yes' to breach of a stalking protection order being punishable as contempt of court with 45% answering 'don't know' (including nil responses), and 13% answering 'no'.

Should any new order specifically protect victims of harassment as well as of stalking?

69% of respondents believe that a new order should protect victims of harassment as well as stalking. 21% answered 'don't know' (including nil responses) and 11% answered 'no'. Of those who answered 'yes' many respondents believed that there was confusion between stalking and harassment and that there was a risk of stalking victims being left unprotected due to cases not being recognised as stalking early enough. Others believed that stalking and harassment were linked and/or the same and that the order should therefore cover both.

Part Three: Challenges of identifying and prosecuting cases of stalking

What are the main challenges in identifying cases of stalking at an early stage (as opposed to harassment)?

49% of respondents did not answer this question. Of the remaining 51%, **14%** felt that a lack of understanding of the complexities of stalking by the police, the general public, and some victims themselves, meant it was not dealt with appropriately and before the behaviour escalates. 12% commented that the police and professionals needed to improve their response to stalking. Other comments included: difficulties in obtaining evidence, the challenge of differentiating between stalking cases and incidents of low level offending and coincidence; and victims being reluctant to report cases until the stalking behaviour has escalated.

What more could be done to support the effective gathering of evidence to bring stalking charges?

The majority of respondents highlighted the need for more training for professionals in how to deal with stalking, and the importance of awareness raising campaigns to help the public understand and recognise stalking behaviour. Other suggestions included: introducing multi-agency stalking clinics to support information sharing, specialist officers in every police force, and the introduction of an evidence gathering toolkit and guidance for the police and victims.

4. Conclusions and next steps

Being stalked can have terrifying consequences, and the Government is determined to do everything it can to protect victims and stop perpetrators at the earliest opportunity. That is why in 2012 the Coalition Government introduced the new stalking offences, sending a clear message that perpetrators should be brought to justice.

To ensure frontline professionals respond effectively and appropriately, the College of Policing is undertaking a review of how stalking incidents are investigated by the police. This includes how the police understand what constitutes a 'course of conduct', how they support victims, and further training on the appropriate use of Police Information Notices. In addition, in April 2014, the CPS launched a specific e-learning module for prosecutors on stalking which focused on victim support, working with the police and ensuring a strong case is built from the start. To date, over 1,600 CPS staff have completed training in stalking.

Furthermore, to help make sure victims get the support they deserve, the Home Office has provided £50,000 a year to support the National Stalking Helpline.

However, we recognise that effective support for victims requires more than prosecution after the fact, particularly as the fixated nature of stalking may result in a prolonged campaign which can last many years. We are determined to do everything possible to protect victims and stop perpetrators at the earliest opportunity.

The responses to the consultation highlight that there is a gap in the current protections available, and lend strong support to the introduction of a civil stalking protection order. The Government will therefore legislate to introduce a new stalking protection order as soon as Parliamentary time allows. The order will address the legislative gap and allow the police and the courts to intervene early. It will:

- be **available on application from the police to the courts** where a victim of stalking requires protection, ensuring the onus to take action is not on the victim;
- have the **flexibility to impose both restrictions and positive requirements** on the perpetrator, to allow the imposition of effective and appropriate interventions; and
- have a **criminal penalty for breach**, to ensure that there are consequences where an individual does not comply with its conditions .

We are clear that the introduction of an order should not deter police and prosecutors from seeking a prosecution where it is possible to do so. The order is intended to ensure that a tool is available to protect victims before the stage is reached when a charge can be brought. It will support our commitment to continuing to lead efforts to tackle violence against women and girls at home and abroad.

The new order will be part of a broader set of measures to tackle stalking - these include ongoing work to improve the police response to stalking, raise awareness amongst professionals, and increase the number of prosecutions for stalking offences.

5. Principles

The principles that Government departments and other public bodies should adopt for engaging stakeholders when developing policy and legislation are set out in the consultation principles.

<https://www.gov.uk/government/publications/consultation-principles-guidance>.