

Proposed Stalking Protection (Scotland) Bill

Introduction

A proposal for a Bill to increase protection of victims of stalking by giving police the power to apply for stalking protection orders on behalf of victims. The consultation runs from 29 April 2019 to 21 July 2019. All those wishing to respond to the consultation are strongly encouraged to enter their responses electronically through this survey. This makes collation of responses much simpler and quicker. However, the option also exists of sending in a separate response (in hard copy or by other electronic means such as e-mail), and details of how to do so are included in the member's consultation document. Questions marked with an asterisk (*) require an answer. All responses must include a name and contact details. Names will only be published if you give us permission, and contact details are never published – but we may use them to contact you if there is a query about your response. If you do not include a name and/or contact details, we may have to disregard your response. Please note that you must complete the survey in order for your response to be accepted. If you don't wish to complete the survey in a single session, you can choose "Save and Continue later" at any point. Whilst you have the option to skip particular questions, you must continue to the end of the survey and press "Submit" to have your response fully recorded. Please ensure you have read the consultation document before responding to any of the questions that follow. In particular, you should read the information contained in the document about how your response will be handled. The consultation document is available here: [Consultation document](#) [Privacy Notice](#)

I confirm that I have read and understood the Privacy Notice attached to this consultation which explains how my personal data will be used

About you

Please choose whether you are responding as an individual or on behalf of an organisation. Note: If you choose "individual" and consent to have the response published, it will appear under your own name. If you choose "on behalf of an organisation" and consent to have the response published, it will be published under the organisation's name.

an individual

Which of the following best describes you? (If you are a professional or academic, but not in a subject relevant to the consultation, please choose "Member of the public".)

Member of the public

Please select the category which best describes your organisation

No Response

Please choose one of the following:

I am content for this response to be published and attributed to me or my organisation

Please provide your name or the name of your organisation. (Note: the name will not be published if you have asked for the response to be anonymous or "not for publication". Otherwise this is the name that will be published with your response).

Emma Taylor

Please provide details of a way in which we can contact you if there are queries regarding your response. Email is preferred but you can also provide a postal address or phone number. We will not publish these details.

Aim and approach

Q1. Which of the following best expresses your view of increasing protections for victims of stalking by giving police the power to apply for Stalking Protection Orders on behalf of victims?

Fully supportive

Please explain the reasons for your response, including any advantages and/or disadvantages of the proposed Bill.

My [redacted] has just been convicted for stalking [redacted], and received 100 hrs community pay back. A non-harassment order has been granted for 12 months. COPFS requested a non-harassment order of 3 years, but this was refused on the basis that this would affect my father's attendance at family events, and that 3 years is "unnecessarily long". Previous bail conditions that were in place meant that [redacted] could not contact [redacted] however the non-harassment order is not clear on [redacted]. [redacted] and this is a real cause for concern, and this is an example of further protection and clarity that victims would benefit from. Although non-harassment orders are clear that the person convicted should not contact the victim directly, it is also unclear about what should happen if the convicted person should attempt to pass on messages through family members, and whether the non-harassment order is subject to indirect contact.

Q2. Which of the following best expresses your view of limiting Stalking Protection Orders to a maximum duration of two years, with the possibility of renewal by the court?

Fully supportive

Please explain the reasons for your response.

I am supportive of any additional protection orders that can be put in place to support victims, and fully support the idea of the possibility of renewal of the order by the court. Circumstances can change quite significantly in a short period of time, and if a person convicted of stalking should find new means of seeking information about the victim, it would be reassuring to know that there is the option to renew. Regarding my personal circumstances, [redacted] is already concerned about what will happen when the 12 month non-harassment order is lifted, and is seeking information on what her options will be to prevent future contact from occurring once this 12 month period has ended.

Q3. Which of the following best expresses your view of making the breach of a Stalking Protection Order a criminal offence, with a maximum sentence of up to 6 months imprisonment and/or a fine on summary conviction, and up to 5 years imprisonment and/or a fine for conviction on indictment?

Fully supportive

Please explain the reason for your response.

I am fully supportive of this- it reflects the seriousness of the crime, and a lengthy imprisonment should help to deter individuals from breaching the order.

Q4. Which of the following best expresses your view of allowing a Stalking Protection Order to be made against a child (i.e. under the age of 16 and above the age of criminal responsibility in Scotland)?

Partially supportive

Please explain the reasons for this response.

I agree that a Stalking Protection Order should be put in place, if the child has committed an offence on a number of occasions, has been warned by the Police of the implications, and continues to behave in this way. I believe that at such a young age, it is important that education opportunities should be offered or made available where children are showing these types of behaviour to teach them what it means, what affect their behaviour has on the victim, what punishment they are liable to receive and what a criminal record means, what the Stalking Protection Order would mean and the implications of breaching it, to prevent further incidents. Given that the order would set out clear rules and boundaries, it gives the child the experience of going through a formal process of their being consequences of their actions, and would hopefully stop repeat behaviour.

Financial implications

Q5. Taking account of both costs and potential savings, what financial impact would you expect the proposed Bill to have on:

	Significant increase in cost	Some increase in cost	Broadly cost-neutral	Some reduction in cost	Significant reduction in cost	Unsure
(a) Government and the public sector, including the police and courts	X					
(b) Businesses		X				
(c) Individuals		X				

Please explain the reasons for your response.

I think an increase in cost would be most significant in government and public sector including police and courts, given that the Police will be the body taking the time to investigate, arrest and charge offenders, and I would expect courts would have an increase in cases seen through court, and charities may have an increase in victims using their services. I think there would be some increase in cost for businesses, for any businesses who may be supporting victims, and businesses supporting employees where they have been the victim of stalking, they may wish to introduce security measures to ensure the safety of their staff etc. I believe there is some financial implications for individuals where they are affected, for example the expense of installing CCTV, dash cam, new mobile phone, changing locks at home etc.

Equalities

Q6. What overall impact is the proposed Bill likely to have on equality, taking account of the following protected characteristics (under the Equality Act 2010): age, disability, gender re-assignment, maternity and pregnancy, marriage and civil partnership, race, religion or belief, sex, sexual orientation?

Neutral (neither positive nor negative)

Please explain the reasons for your response.

I believe that individuals should be prosecuted based on the crime and the seriousness of their actions regardless of their background, and that the consequences of their actions should be based on each individual case.

Q7. In what ways could any negative impact of the Bill on equality be minimised or avoided?

I think each case should be reviewed on an individual basis, depending on where a case is being affected and by what means.

Sustainability

Q8. Do you consider that the proposed Bill can be delivered sustainably, i.e. without having likely future disproportionate economic, social and/or environmental impacts?

Yes

Please explain the reasons for your response.

I am unsure what the financial implications of delivering the bill are, but I cannot think of any likely disproportionate social or environmental impacts that the bill would have.

General

Q9. Do you have any other comments or suggestions on the proposal?

No