

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".)

Academic with expertise in a relevant subject

Optional: You may wish to explain briefly what expertise or experience you have that is relevant to the subject-matter of the consultation:

I have completed research on stalking in Scotland as well as having a decade of professional experience working with survivors of domestic abuse and other types of gender-based violence

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).

Dr Katy Proctor

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.

It is essential that those targetted by stalkers are given more protection as currently, they are often let down by the criminal justice system which adds to their isolation.

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?

Partially opposed

Please explain the reasons for your response.

Many of the participants of my research experienced stalking for many years, even decades and I would recommend that an SPO be available for a longer period before renewal is necessary. In addition, if this is a maximum duration then it is possible that many orders may be allocated for shorter periods of time depending on how severe the stalking is judged to be. As much of a stalker's behaviour is non-violent there is a significant risk that their behaviour would not appear to be as serious to a third party as it is to the target. Consequently, SPO's may not be use to their best effect for all those who may need them. It is my opinion that the maximum duration should be longer.

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 think it is entirely appropriate to impose the same sanctions for the breach of a SPO as those available for conviction. Should a perpetrator breach their order, by definition (two or more behaviours that cause fear or alarm) they have engaged in stalking. I would like to note that, due to the life-destroying impact that stalkers can have on their victims, I am of the opinion that the maximum sentences available on conviction are not adequate. If they were more severe, I would still recommend that punishment for the breach of an SPO matched sanctions possible on conviction.

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)?

Fully opposed

Please explain the reasons for this response.

Although, anyone engaging in stalking behaviours should be stopped there is a risk of criminalising young people unnecessarily by allowing SPO's to be taken out against them. It is my opinion that SPO's are inappropriate as a sanction for children.

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.

Should SPO's be used appropriately, it is likely that there will be an increased cost to government and public sector agencies, especially in the short term. This is inevitable and unavoidable but is a cost that must be met. If SPO's do indeed prevent stalking it is likely that they will have a cost-reducing impact in the future as there will be fewer calls to police, less demand on mental health and other services that support those who are targeted by a stalker. Effective SPO's would hopefully prevent victims from having to spend money on safety measures and therefore there may be some reduction in cost for them.

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?

Positive

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

It is essential that specialist training be given to those involved to ensure that SPO's are equally accessible to all those who experience stalking and not just those who are at risk of physical violence. The emotional and psychological impact is often devastating, especially when endured for extended periods of time and so those who experience only psychological abuse must have access to SPO's also.

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

General

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

No Response