

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 am an Equality, diversity and inclusion Manager and I chair the Equally Safe group in my establishment and I am a member of Fearless Glasgow. I also deliver training on White Ribbon and I am a safeguarder so I deal with issues such as domestic abuse in my role.

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).

Patricia Currie

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.

Working in the highest SIMD areas in Glasgow, I am all too aware of the cost in monetary terms to a victim of trying to access an order against a stalker. I have dealt with victims and they were so scared and vulnerable that accessing their learning was being impeded by stalking but could not afford to access a court to obtain an order. The police were hampered by not being able to prevent the stalking and this made the victims feel even less safe and protected. Dealing with the stalking and also trying to navigate the legal system puts victims off reporting it to the police. They feel the burden of proof of the effect lies with them and it is difficult to quantify and that they may be seen as overreacting.

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.

I feel that the time it takes to get into a court may be longer than two years so a more open order at the discretion of the court should be available. It would also cut down on the amount of time and money that it would cost the police and the courts if they didn't have to re-apply for an extension. It could be under review as ordered by a court with input by the police.

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?

Partially supportive

Please explain the reason for your response.

I think the sentence for a breach should be longer, at least a year to reflect the damage on the victim and to also recognise that in Scotland sentences shorter than a year may not lead to time in prison. This may be a better deterrent to the stalker as it may impact their work and home life.

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 supportive

Please explain the reasons for this response.

A young person is aware of their own behaviour and need to take responsibility for their actions.

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.

if this amounted to more reporting, then there would be an increase in costs to the courts and police initially. However this would indicate that victims felt more supported to report and it may be a deterrent to the stalkers eventually reduce stalking and a decrease in costs. If victims feel supported then they may be able to continue accessing work and this would cut cost to business in terms of sickness absence or replacing staff.

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

Please explain the reasons for your response.

Victims of stalking are more likely be women and may also be LGBT or minority ethnic individuals. More protection under law increases confidence and allows them to continue to work or study and be effective contributors to their communities because they feel safe.

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

No Response

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.

Anything that cuts crime and stops or limits people becoming victims allows society to function more equitably and sustainably.

General

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

No Response