

Stalking Protection Bill

Sarah Wollaston Chair, Health and Social Care Committee, Chair, Liaison Committee (Commons)

It is a pleasure to serve under your chairmanship, Mr Gray. I will start by thanking the many people who have come forward to talk openly about their own harrowing personal experiences at the hands of stalkers—“including those who have been bereaved as a result of stalking”—and the many organisations that have provided support and expertise: the Suzy Lamplugh Trust, the Gloucestershire stalking support service, Paladin, the Alice Ruggles Trust, Protection Against Stalking and, of course, many members of the police and the police and crime commissioner lead. I am very grateful to all of them for sharing their expertise. I am also grateful to the Minister's Bill team, who have been extraordinarily helpful in providing support.

Clause 1 creates a new civil protective order to protect victims of stalking, called a stalking protection order. I am delighted that the Bill has received such strong cross-party support. I really welcome this consensus, on behalf of those who have been victims of stalking in the past and, more importantly, those whom we can protect in the future. It is worth reiterating why we are here to create the new orders. Responses to a public consultation launched in December 2015 stressed the need for earlier intervention in stalking cases to protect victims and to address emerging patterns of behaviour in perpetrators before they become entrenched or escalate in severity, as well as for putting in place vital extra protections. They identified a clear gap in the existing protective order regime, particularly in cases of so-called stranger stalking, where the stalking occurs outside a domestic abuse context or where the perpetrator is not a current or former intimate partner of the victim.

The Bill is therefore intended to provide the police with an additional tool with which to protect victims and deter perpetrators at the earliest possible opportunity, and to fill the gap in the protective order regime. Stalking protection orders will be available on application to a magistrates court by the police, ensuring, importantly, that the onus to take action is not placed on the victim and that the police have end-to-end sight of the entire process, from application to enforcement of the orders, and if there is reasonable cause to believe that the proposed order is necessary to protect another person from the risk of stalking.

I should inform the Committee at this point that I am exploring the possibility of the British Transport police and the Ministry of Defence police also being able to apply for these orders. I hope to provide an update on Report.

Crucially, the orders will be available in cases of stranger stalking because, unlike with existing protective orders, clause 1 contains no requirement for stalking to have occurred in a domestic abuse context or for there to be a current or former intimate partner relationship between victim and perpetrator. The clause also contains no requirement for the orders to be made on conviction. Again, that is unlike what happens with existing protective orders.

Alex Chalk Conservative, Cheltenham

I congratulate my hon. Friend on her vision and stamina in promoting the Bill, which have been a lesson to us all. The fact that there is no requirement for a conviction is the strength of the provision. However, I am interested in the burden and standard of proof to be established before an order can be made. One can well imagine that they would be contested; and they should be imposed only where it is fair to do so, given that breach of such an order could result in a custodial penalty.

Sarah Wollaston Chair, Health and Social Care Committee, Chair, Liaison Committee (Commons)

I thank my hon. Friend for the extraordinary work that he has undertaken on behalf of victims of stalking. He is right to draw attention to that matter. Orders could be made on the balance of probability, but breach of an order would be a criminal offence. That is the important distinction, and I know that he welcomes those arrangements.

As I mentioned, clause 1 includes no requirement for orders to be made on conviction—an important distinction—or for the behaviour giving grounds for the application to have met the criminal threshold. That is what my hon. Friend the Member for Cheltenham was pointing out, and it is because stalking protection orders are designed specifically to permit early intervention when the criminal threshold has not yet been met but where it is known that there is a serious risk of harm as a result of stalking. If the police are gathering evidence and preparing a criminal case for court—for example if they are pursuing a stalking conviction—that takes time. The orders are not intended to replace such prosecutions. They can protect victims at the earliest possible opportunity and also are a way of stepping in to address the perpetrator's behaviour before it progresses into an obsessive campaign. Breaking the cycle is much more difficult if the behaviour is allowed to continue for longer.

To address the behaviour in question effectively, orders would make it possible to impose prohibitions and positive requirements on the perpetrator. Clause 1 would allow the police to propose to the court a bespoke intervention to protect the victim from harm but also, crucially, address the perpetrator's behaviour. Requirements to be imposed on a perpetrator by orders include notification requirements similar to those for registered sex offenders. Those are provided for in clause 9 and would help ensure that the police had the right information at the right time to manage the risk posed by perpetrators effectively. A perpetrator who did not comply with the conditions of a stalking protection order would face a criminal penalty for breach under clause 8, with a maximum sentence of five years' imprisonment.

Finally, clause 12 makes provision for the Government to issue statutory guidance to the police on the use of the orders. That will be developed in collaboration with criminal justice partners and sector experts and will help ensure that the police have the knowledge, understanding and confidence to use stalking protection orders to their full potential. It is only right to acknowledge that a new stalking protection order will not in itself deliver a better response to stalking; that will require an improved awareness of stalking on the part of all professionals working in that space, and a continued focus on improving the criminal justice response through the provision of high-quality training, guidance and professional development.

Other measures, beyond the scope of the Bill, were suggested on Second Reading. One was a stalking register. I know that the Government are committed to looking at wider options to improve the response to stalking, and to linking those considerations to wider work on supporting vulnerable victims. However, it is important to note that the notification

requirements that could be imposed on a perpetrator under clause 9 are similar to those that can be imposed on registered sex offenders. I look forward to hearing the Minister's thoughts on that point.

I am sure that Committee members will agree that any further changes with respect to stalking should be introduced following rigorous and comprehensive consultation. That brings me to the reason I tabled an amendment to change the long title of the Bill: to ensure that it better reflects its content, which is limited to stalking protection orders and related matters. It is a minor, technical amendment that I hope provides neatness and clarity and will smooth the Bill's passage through Parliament.

I hope that I have made clear how the Bill provides the police with a welcome additional tool, the purpose of which is to protect victims of stalking and deter perpetrators at the earliest possible opportunity, even before the stage is reached at which a prosecution could commence, or to put in place protection while evidence for a prosecution is being gathered. It is imperative that we are able to provide effective support for victims of this devastating crime.

Emma Reynolds Labour, Wolverhampton North East

I congratulate the hon. Lady on introducing the legislation. Will she explain in more detail the provision for interim stalking protection orders in the Bill?

Sarah Wollaston Chair, Health and Social Care Committee, Chair, Liaison Committee (Commons)

I thank the hon. Lady for asking about that. It can take time to bring together all the evidence needed for a full stalking protection order, but we all recognise that time is of the essence—I am sure we have all heard compelling evidence of serious harm ensuing. The point is to bring forward an interim order at the earliest possible opportunity, not to replace either a full stalking protection order or the pursuit of a stalking conviction where possible, but to ensure that we recognise that time is of the essence. In the most serious cases we would expect the police to use their existing powers regarding pre-charge bail conditions. I hope that answers the hon. Lady's question.

I hope that Members will give their full support to the Bill and I welcome the cross-party support and constructive debate.

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I thank everybody who has taken part in the debate. We had a contribution from the hon. Member for Huddersfield, who has been talking about this issue for a very long time, and I pay tribute to him for his long-standing commitment. We also had contributions from my hon. Friend the Member for Cheltenham, the hon. Members for Rotherham and for Enfield, Southgate, my hon. Friend the Member for Gloucester, the hon. Member for Birmingham, Yardley, my hon. Friend the Member for Taunton Deane, the hon. Member for Wolverhampton North East, and my hon. Friends the Members for Eddisbury and for Torbay. The right hon. Member for Exeter also provided vital support, as did the hon. Member for Liverpool, Wavertree and my hon. Friends the Members for Redditch and for Harborough.

Mr Gray, thank you for your excellent chairmanship. Finally, I warmly thank the Minister for

her ongoing dedication to this cause. I also thank the Home Office team, Christian Papaleontiou and Emily Stewart.

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