

Written evidence from the Suzy Lamplugh Trust

Summary

While the Suzy Lamplugh Trust welcomes the introduction of the Victims' Bill, we believe that in its current form there are still significant gaps that will create a two-tier system of response for victims of crime. We also believe that without specific reference to the need for training for all criminal justice bodies the systemic problems within the criminal justice system will not be solved by the introduction of this piece of legislation. We have specific concerns about the definition of a victim, the removal of the Victims Commissioner's role in overseeing the code, the lack of enforcement if the code is not complied with, the proposed means of monitoring compliance and most importantly the lack of recognition of stalking victims as a specific group of victims.

About the Suzy Lamplugh Trust

Suzy Lamplugh Trust was formed in 1986 by Paul and Diana Lamplugh OBE after the disappearance of their daughter Suzy, an estate agent. The Suzy Lamplugh Trust offers advice, training, consultancy and information to enable people and organisations to be and feel safer. We are a leading voice in the charity sector on stalking and personal safety and we run the National Stalking Helpline. We also chair the National Stalking Consortium which has 28 members who are a mix of specialist stalking organisations and individuals with an expertise in the sector.

Why is it important to consider stalking in the context of this Bill?

Victims of stalking are losing out within a system that is prioritising certain forms of violence. Stalking is a serious crime that is under reported and under prosecuted. The Crime Survey for England and Wales estimates that 1.5 million people were victims of stalking in 2019/20 (compared to 2.3 million cases of domestic abuse although stalking is rarely recognised as a high-volume crime); however, according to the Ministry of Justice, there were 3,874 prosecutions during 2019 with only 29% of those resulting in a conviction or caution; 1,150 in total. These attrition rates demonstrate the simple fact that victims' needs are not being met, with the vast majority of stalkers not reaching conviction stage (0.1%).

Questions/issues for the committee to consider

- Inclusion of psychological as well as emotional harm
- When there is a systemic issue with the recognition of a crime, in this case stalking, a large number of victims will not be entitled to any rights under the Victims Code. This creates a system whereby thousands of victims will have no entitlement because of the flaws in the criminal justice system.
- How will local compliance monitoring ensure that victims receive a consistent service across police force areas? Is there a role for central compliance monitoring to ensure consistency across forces for victims?
- If the implementation of this legislation relies on guidance rather than legislation, how will the Government ensure that real change happens for victims?
- Maintaining the Victims' Commissioner independent oversight role of reviewing the Code will compliment local monitoring compliance. There is no one else who will have the national overview and independent voice to challenge.

- How can stalking data be collated more effectively to ensure that local criminal justice agencies recognise its volume, seriousness and respond more effectively to victims?
- How can inspectorates be upskilled to ensure that they have the skills and knowledge to effectively take a victim centred approach to joint inspections?
- Why is stalking not included in the category applicable to victim support services?
- Why are specialist stalking advocates not included in the development of minimum standards requirement?

Definition of a victim

1. Although the definition mentions emotional harm, **we would like to see specific reference to psychological harm alongside emotional harm to reflect this as a specific form of harm caused.** The term emotional may not capture the severe psychological consequences of being a victim of crime which would help bring this into focus for health services. Stalking is a crime of psychological terror that impacts on all aspects of a victim's life, often in ways that are long-lasting and traumatic. Research conducted by Sussex Stalking Support and the National Centre for Cyberstalking Research at the University of Bedfordshire in conjunction with the Suzy Lamplugh Trust found that as many as 91% reported that they suffered from mental health problems following the experience of being stalked, while 78% met the clinical criteria for PTSD. It is vital that victims are believed and protected by the criminal justice system.
2. Suzy Lamplugh Trust would like to draw attention to the complexity that stalking victims will incur when faced with a definition that requires evidence of a criminal offence to be present (we believe this will also apply to victims of anti-social behaviour). Victims of stalking face multiple barriers because of the lack of recognition of the pattern of behaviour and the psychological terror that they are subject to. Stalking is often recorded as a series of low-level non-criminal 'nuisance' incidents, for example, reporting to the police that someone has sent you flowers, telephoned you at work and sat outside your house, with the larger course of conduct which amounts to stalking and the consequent detrimental impact on the victim being disregarded. These incidents are typically not linked to identify a pattern of stalking and are often not investigated as a result. **It is essential therefore that incidents which are not necessarily criminal when considered in isolation, are taken into account as evidence of a wider course of conduct amounting to stalking.**
3. Our daily contact with victims pursuing cases through the criminal justice system highlights a concerning lack of training within police and other criminal justice agencies at a national level, in recognising patterns of stalking behaviour. Often each incident is dealt with separately instead of as part of a course of conduct. We conducted a survey across the UK, responded to by 16 police forces, which found that only 3% felt very confident understanding stalking legislation and 9 out of 10 officers wanted more stalking training. As many as 64% had never received stalking specific training. Under the proposed definition of a victim, stalking victims will not be seen as a victim until the police recognise the course of conduct which may take months or even years. One of the most significant reasons why people contact the National Stalking Helpline and Advocacy Service is to get reassurance that what they are

experiencing is stalking and therefore criminal behaviour, and to seek our help to overcome obstacles to justice within the criminal justice system. In our recent report entitled Unmasking Stalking, over half (59%) of all respondents reported a wholly or somewhat unsatisfactory experience with the police. The most common reasons for this indicated that police did not recognise the pattern of behaviour as a stalking offence (24%), that the police did not understand the nature of stalking (13%) or that their complaint was not taken seriously or acted upon. As many as 60% of respondents who had reported stalking to the police in the UK said they have no legal protections in place, demonstrating a lack of urgency in cases of stalking. **It is essential therefore that criminal justice professionals working with stalking victims are mandated to receive specialist stalking training.**

Proposal to put the overarching principles of the Victims' Code in primary legislation and set out key entitlements in secondary legislation, consulting on changes to the Code once the Bill is in force.

4. The current draft primary legislation and the four principles do not stipulate with enough detail what will be required of the criminal justice system that will lead to fundamental change for victims. We urge the Committee to ensure that the Government places a statutory duty on the CPS and police to invite the victim to make representations within the Right to Review process for example. As the principles are currently drafted, it is unclear as to how these will be implemented. Without any proposed means of enforcement of the Code there is a risk it will be subject to continuing non-compliance. The proposal for local Police and Crime Commissioners to review compliance will in effect lead to huge variety in compliance monitoring and therefore a variation in what compliance may look like for a victim. Victims of stalking are often subject to crimes that occur across multiple police force areas. **Without central compliance monitoring it is likely that victims will be subject to issues with cross border working of criminal justice agencies.**
5. Without further information on what will be contained in the secondary legislation and therefore what will become enforceable regulations and what will be in guidance, we are concerned that the primary legislation does not go far enough to enact real change for victims. **We have significant concerns about how effective non-enforceable guidance will be for effecting real change for victims.** Our research into the implementation of national guidance in relation to minimum standards for taxi and private hire licensing has been that it is inadequately and inconsistently adhered to across licencing authorities and that passengers, including victims, continue to be put at risk.

Proposal to amend the role of the Victims' Commissioner

6. Suzy Lamplugh Trust believes that the Victims' Commissioner should maintain their role in keeping the Victims Code under review. If monitoring of compliance is moving to local PCCs, **it is important that at a national level there is an independent representative responsible for oversight.** If there are fundamental issues with the Code these need to be challenged on behalf of victims at a national level and not by the authorities which victims may seek to hold to account.

Proposals to place duty on the relevant criminal justice agencies (the police, the Crown Prosecution Service, HM Courts & Tribunals Service, Youth Offending Teams and HM Prison and Probation Service) to collect data and keep under review their delivery of the Code

7. Without details on what these measures will be it is difficult to determine how effective this will be. Suzy Lamplugh Trust has been monitoring stalking data from the Ministry of Justice, CPS and ONS for a number of years. However, the figures we are working with are often not wholly reliable as they work within different timeframes and record only specific types of stalking data. For example: Ministry of Justice records work in calendar years, the ONS records in tax years; the ONS used to record stalking incidents only where they appeared as the principal offence, this has now been updated to include all stalking offences; CPS records only show convictions where the stalking charge has had a first hearing in a Magistrates Court. **If victims are to be supported and compliance monitored effectively, then all services must share data sets and record them in a comparable format to enable accountability for each victims' journey through the criminal justice system.**
8. In order to collate the most effective data for victims of stalking **Suzy Lamplugh Trust therefore urgently requests the formation of a steering group to discuss the best system of collation of stalking data across all services.** Careful discussion and consideration on the recording of all these crimes must begin if we are to tackle the crime of stalking head on and enable victims to feel supported through the criminal justice system.
9. **Furthermore, we urge the Crown Prosecution Service to publish regular figures on convictions and sentencing rates for cases of stalking.** The Trust also asks that score cards are made for stalking cases (separately from harassment cases), in the same way that the Government has recently done for rape cases.

Proposals on the role of the inspectorates, including an improved focus on victims, and a new power for the Government to direct aspects of their work.

10. Suzy Lamplugh Trust welcomes an improved victim focus by inspectorates, however we believe that the inspectorates do not have sufficient skills and knowledge at this time to effectively inspect victim focused delivery in areas such as stalking. As far as we are aware staff within these inspectorates have had little or no specialist victim focused training to embed understanding of the impact of specific crime types. As the leading national support service for victims of stalking, we are not aware that stalking expertise has been sought which would ensure a specialist and victim-centred view within any inspection. **It is essential therefore that inspectorates are mandated to receive specialist stalking training.**

Proposals to improve the commissioning of support services

11. Multi-agency collaboration is paramount in the commissioning of support services. Suzy Lamplugh Trust is currently leading on the implementation of multi-agency stalking intervention projects across England and Wales. In our experience however a strategy is not enough to drive on-the-ground investment across agencies and in particular health agencies. To date health partners are supportive of the need to address stalking from a multi-agency perspective, however the vast majority of

investment has come from criminal justice agencies. For long-term sustainability of services victims' needs should be embedded as a health priority in both strategy and commissioning.

12. Suzy Lamplugh Trust is very concerned that the definition of victim support services specifies those who are victims of domestic abuse, sexual violence and serious violence only. As stated in the introduction, stalking is a high-volume crime, yet rarely recognised as such due to the significant under reporting and concerning attrition rates within the criminal justice system. If this proposal goes ahead in its current form a significant number of victims will not benefit from local collaboration and commissioning. There are very limited numbers of specialist stalking advocates across the country.

Increased awareness and effectiveness of the ISVAs and IDVAs

13. In line with paragraph 13 above, Suzy Lamplugh Trust is very concerned that there is no recognition of the specialist stalking advocate role within this legislation. Suzy Lamplugh Trust welcomes the recognition of IDVAs and ISVAs but having worked to develop specialist trained stalking advocates (ISACs) with our expertise of working with thousands of victims for over 12 years, we are disappointed that these are not included as a recognised advocates with minimum standards. Our advocates will often co-work cases with ISVAs and IDVAs where appropriate but the need for stalking specialism is essential if victims are to be provided with the most effective support. Victims that call the Helpline tell us that they have been inappropriately referred to IDVAs who do not have the specialist training to identify the nuances of stalking or have been offered generic victim support without any understanding of the complexity of their case and the devastating impact it has. Suzy Lamplugh Trust would be happy to work with the Government to ensure that minimum standards were in place for all commissioned stalking support services and advocates.

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