

Written evidence on the Victim's and Prisoner's Bill submitted by the Suzy Lamplugh Trust (VPB02)

For consideration by the House of Commons Public Bill Committee

Submitted via email to scrutiny@parliament.uk on 30.05.23

About the Suzy Lamplugh Trust	1
Executive summary	1
Including provision for victims of stalking via inclusion of ISAs (Independent Stalking Advocates)	2
Enforceability and compliance	4
Resource for the duty to collaborate	6
General recommendations	6

About the Suzy Lamplugh Trust

1. The Suzy Lamplugh Trust was formed in 1986 by Paul and Diana Lamplugh OBE after the disappearance of their daughter Suzy, an estate agent. Suzy Lamplugh Trust is widely regarded as a field expert in lone-working and personal safety training, stalking training, as well as consultancy, campaigning, and support services. It has a long history of working within the Violence Against Women and Girls sector, dealing particularly with stalking and harassment, given that it is believed and indeed the evidence suggests that Suzy may have been targeted by a stalker. The National Stalking Helpline was set up by the Trust in 2010, it has helped over 65,000 victims since its inception, and is the only service of its kind globally. We also chair the National Stalking Consortium which has 21 members who are a mix of specialist stalking organisations and individuals with an expertise in the sector.

Executive summary

2. The Suzy Lamplugh Trust welcomed the announcement that the Government would introduce a Victims Bill. Legislation foregrounding the voices and rights of victims to access appropriate support had the potential to transform victim experience of navigating the criminal justice system - particularly in the context of stalking, which is highly complex and poorly understood by statutory agencies.
3. Alongside many partners and colleagues in the VAWG sector we engaged with the pre-legislative scrutiny process, setting out the areas where we felt additional clarity in the Bill would allow the ambition of transforming victim services to be realised.
4. Following the introduction of the Victims and Prisoners Bill to Parliament on 29 March 2023, we have concerns that the Bill has a long way to go to deliver significant change for victims. Our concerns centre around the following key issues:

- a. The absence of references to specialist stalking services for victims throughout the Bill, specifically the lack of reference to Independent Stalking Advocates (ISAs) as a key victim support service alongside IDVAs and ISVAs;
 - b. The need for firmer commitments on the enforceability of the Bill, and the guidance which will be provided to compliance with some elements of it;
 - c. The lack of clarity around how new proposals such as the duty to collaborate will be resourced.
5. In this briefing we provide a number of recommendations to rectify these concerns and ensure the Bill meets the specific needs of stalking victims and can deliver its ambitions. We look forward to working alongside the government and sector partners to ensure that no victims fall through the gaps.

Including provision for victims of stalking via inclusion of ISAs (Independent Stalking Advocates)

6. Stalking is a highly complex crime. The Suzy Lamplugh Trust defines stalking as a pattern of fixated and obsessive behaviour which is repeated, persistent, intrusive and causes fear of violence or engenders alarm and distress in the victim.
7. Stalking can include many types of unwanted behaviour such as regularly sending flowers or gifts, repeated or malicious communication, damaging property and physical or sexual assault. Stalking is a crime of psychological terror and can lead to feelings of depression, anxiety, paranoia, self-harm and eating disorders. A recent study demonstrated that 78% of stalking victims experience symptoms consistent with Post-Traumatic Stress Disorder.
8. The risk of harm stalking carries as a particular and distinct offence cannot be overstated; stalking behaviours were present in 94% of homicide cases in one study¹. Victims experience prolonged periods of victimisation, often experiencing over 100 incidents before they report.
9. Professionals across criminal justice and other agencies lack specific training and understanding of stalking and often patterns of obsessive, controlling behaviour which when seen as individual occurrences **may not appear to constitute criminal conduct**. This has severe impacts on the delivery of justice for victims: in 2019-20 there were over 1.5 million estimated victims of stalking, but just 3,506 stalkers were charged². Only 304 received custodial sentences. In 2021-22 there was a 20% rise in cases of stalking to 1.8 million victims, and 98,863 stalking reports were made to the police. This represents a 300% increase in reporting figures, but with the vast majority of stalkers not facing criminal repercussions, there is a clear need for targeted policy to deliver better justice and victim support.
10. Failing to properly account for stalking in policy compounds the risk to victims because it misses opportunities to prevent the escalation of violence. We are therefore concerned that the Bill makes no specific reference to the crime. Explicitly

¹ Monckton Smith et al. (2017), *Exploring the Relationship between Stalking and Homicide* (with the Homicide Research Group University of Gloucestershire Centre for Learning and Innovation in Public Protection. In association with Suzy Lamplugh Trust), accessible at: <https://www.suzylamplugh.org/Handlers/Download.ashx?IDMF=1a6cf4d9-0df5-42be-8b02-4bdbd75fa264>

² Office for National Statistics, Crime Survey for England and Wales, Year ending March 2020, accessible at: <https://www.ons.gov.uk/releases/crimeinenglandandwalesyearendingmarch2020>

acknowledging the specific characteristics of specialist stalking services will ensure victims are not excluded from the right to safety and support.

11. The Victims and Prisoners Bill includes definitions for Independent Domestic Violence Advocates (IDVAs) and Independent Sexual Violence Advocates (ISVAs), and states that the Secretary of State “must” issue guidance on these roles. The Suzy Lamplugh Trust welcomes the decision to elevate the importance and understanding of these roles.
12. While IDVAs and ISVAs do vitally important work for their specific victim groups, they are not stalking specialists. Stalking is a complex crime, and victims must be supported by specialist advocates who have expertise in the area.
13. At present, the Bill neglects to include a definition for Independent Stalking Advocates (ISAs). Given the fact that stalking is often misunderstood by criminal justice agencies, victims of stalking will once again fall through gaps in support if explicit reference to their needs is not made.
14. ISAs are trained specialists who provide victims with expert advice and support during a period of crisis, often when the response from the criminal justice system or other agencies fails to address it.
15. ISAs have a huge impact on improving the experience of victims. 90% of responses to our research *Bridging the Gap: A Stalking Advocate for every victim* stated that their ISA helped them to navigate the criminal justice system and achieve far better justice outcomes than without this support.³ Our research demonstrated that one in three victims receiving support from a stalking advocate saw their stalker charged, compared to national rates of one in 435 stalkers being charged. Similarly, one in four victims receiving support from an advocate saw their stalker convicted, compared with 1 in 1000 nationally.
16. Stalking advocates support victims in a holistic way to help them manage and cope with their situation and to recover from abuse. They carry out risk assessments and ensure that safety plans are put in place to protect victims and those around them, including any dependents, from further harm.
17. Unfortunately ISAs are under-utilised. Our research demonstrates that:
 - a. 77% of stalking victims did not access an ISA;
 - b. 69% accessed no advocacy at all;
 - c. 4% accessed support from a non-specialist service, such as an IDVA or ISVA;
 - d. Just 15% of victims were referred to a stalking advocate by the police, further demonstrating low levels of understanding of stalking within criminal justice agencies.
18. **We therefore recommend that the Bill be updated to include ‘stalking services’ as a relevant victim support service.** We propose the following amendment:

- a. Clause 12, page 10, line 22, at end insert:

“(4d) stalking.”

³ Suzy Lamplugh Trust, *Bridging the Gap: A stalking advocate for every victim*, April 2022. Available at: <https://www.suzylamplugh.org/Handlers/Download.ashx?IDMF=36e87aea-15ba-437a-97f6-d5966360878f>

19. **We further recommend that the Bill makes specific reference to Independent Stalking Advocates. We therefore recommend that Section 12 of the Bill be updated to include ‘stalking services’ as a relevant victim support service and that commitments are made to issue guidance on this role, as well as on IDVAs and ISVAs.** We propose the following amendments:

a. Clause 15, page 12, line 1, reword to:

“15 Guidance about independent domestic violence, sexual violence and stalking advisors”

b. Clause 15, page 12, line 5, at end insert:

“(c) independent stalking advocates.”

c. Clause 15, page 12, line 12, at end insert:

“(c) “independent stalking advocate” means a person who provides a relevant specialist service to individuals who are victims of criminal conduct which constitutes stalking.”

20. The guidance which the Secretary of State commits to issue about these roles should include a definition of ISAs and guidance on the services they provide, as well as funding to support this provision and information about referral pathways. It should particularly highlight that police should inform every victim of stalking to an ISA when they report a stalking offence. The Suzy Lamplugh Trust would welcome the opportunity to advise on the definition of an ISA for the Bill.

21. Finally, we remain concerned about the lack of commitment to ringfenced funding for ISAs alongside funding for ISVAs and IDVAs. The government has committed £154m to quadruple victim services budget, including provision of IDVAs and ISVAs, by the end of 2024/25. However, without the inclusion of ISAs in relevant legislation, it is unclear if any significant proportion of this funding will be directed towards victims of stalking through the specialist service they require.

22. In 2021, 98, 863 victims reported stalking to the police. £10m of funding for that year would have provided every victim with support from an ISA⁴. **We therefore recommend that any funding packages outlined for the provision of IDVAs, ISVAs and ISAs ringfences £10m per year to provide specialist stalking services.**

Enforceability and compliance

23. We welcome that the Bill compels criminal justice bodies, local policing bodies, the British Transport Police, and the Ministry of Defence police specifically to promote awareness of the victim’s code and review how effectively services are being provided in line with the code.

⁴ Suzy Lamplugh Trust, *Bridging the Gap: A stalking advocate for every victim*, April 2022. Available at: <https://www.suzylamplugh.org/Handlers/Download.ashx?IDMF=36e87aea-15ba-437a-97f6-d5966360878f>

24. In Sections 6-9, the Bill sets out that the **relevant agencies “must”** undertake the activities to collect, share and review information about how the Victim’s Code is being complied with. This certainty is welcome; we also welcome the commitment in section 10 to publish information relating to compliance with the Code. Transparency will improve victim trust in the system and understanding of how they can raise concerns about the support they received.
25. However, we are concerned that the Bill currently **lacks firm commitments from the Secretary of State that they will provide clear frameworks** on what kind of information they are being compelled to collect and report.
26. Our concerns centre around the use of the word **“may”** regarding the Secretary of State’s commitment to setting out specific accountability measures against the Code (specifically, the phrase “Regulations under Subsection x may, in particular” which is repeated throughout sections 6-9).
27. Central mechanisms of oversight for compliance with the Code are vital, even if flexibility is allowed within them to account for specific local need. This central oversight is particularly important for victims of stalking, who may experience offences which span multiple policing areas. Local monitoring of compliance alone therefore may not be sufficient to capture this added complexity.
28. The proposed methods of monitoring compliance have the potential to provide strong accountability frameworks: for example, clarifying the types of information to be collected and shared; timescales on which this information will be expected; and the form in which this information will be provided. However in order for this potential to be realised, firm commitments to issuing the guidance are necessary.
29. **We recommend that the Bill is updated to state that the Secretary of State “will” set out requirements of the kind of information different bodies must provide in relation to code compliance.** We recommend the following amendments:

a. Clause 6, page 5, line 16, be amended to read:

“(4) Regulations under subsection (2) **will**, in particular – “

b. Clause 7, page 6, line 17, be amended to read:

“(4) Regulations under subsection (2) **will**, in particular – “

c. Clause 8, page 7, line 17, be amended to read:

“(7) Regulations under this section **will**, in particular – “

d. Clause 9, page 8, line 16, be amended to read:

“(7) Regulations under this section **will**, in particular – “

30. Furthermore, compliance with these regulations as set out by the Secretary of State will undoubtedly place additional burdens on staff across all named agencies. In a context where many of these agencies are already operating with significant staffing, funding and wider resource challenges, placing new administrative and reporting

responsibilities without appropriately increasing resource will risk stretching these agencies further, and in doing so, risk compromising victim safety.

31. We further recommend that the government urgently clarifies the funding which will be available to ensure agencies can resource these significant additional reporting responsibilities.

Resource for the duty to collaborate

32. We welcome the work in clauses 12, 13 and 14 on improving collaboration and information sharing between agencies to ensure victims can access appropriate support. This is a welcome step towards recognising stalking as a pattern of obsessive behaviour, rather than individual, unconnected events.
33. We have already recommended that stalking be included as a relevant victim support service via an amendment to clause 12, page 10, line 22, adding “stalking” as item 4d. We reiterate that recommendation here as a range of appropriate tailored services for agencies to refer to and seek information from is vital to ensure collaboration between agencies is beneficial for victims. Without ISAs in place, agencies will lack specialist expertise on stalking and victim support needs.
34. The duty to collaborate has the potential to transform victim services. Too often victims are not kept safe because agencies do not deliver a joined up approach. Collaboration requires investment of time and expert resource to ensure information is shared safely, promptly and in line with legislation.
35. However, this ambitious policy agenda **will not be deliverable without dedicated funding and additional resource**. We are incredibly concerned that without clarity around how the duty to collaborate will be funded, and what collaboration and information sharing actually looks like in practice, agencies will not have the time or funding they need to meet a new legal requirement.
36. If victim services are further stretched by additional responsibilities to share information when they are already at their limit, **victim safety will be compromised**. It is absolutely vital that the Government takes all appropriate steps to ensure this does not happen.
37. **We recommend that the Government urgently clarifies how the duty to collaborate will be funded. This package should include provision of specific coordinator roles to effectively bring services together, rather than placing additional burdens on existing agencies.**

General recommendations

38. We remain concerned that the Government have yet to appoint a Victim’s Commissioner since the departure of Dame Vera Baird. A national, independent representative to hold all agencies to account is absolutely essential to provide oversight of central compliance with the Code.
39. **We urge the government start the independent appointment process for a Victim’s Commissioner as a matter of urgency.**

30 May 2023