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29 November 2021

Our Ref: JCP\21\362

Dear Christine,

PROTECTION FROM STALKING BILL

Thank you for your letter of 26 November and for sight of the text of amendments from the Committee in respect of the Protection from Stalking Bill. Please see the response below to each of the items raised by the Committee.

Guidance

I note that Committee intends to bring forward its own amendment to build on the obligations already in the Bill to issue guidance so that it also covers the effect of the Act and other matters.

As previously outlined, the existing wording of clause 17 does not prevent the Department from extending the guidance to be issued under this provision to include the operation of the offence of stalking, as well as SPOs and other matters.

The Department has made a firm commitment to comply with the Committee's request regarding the content of the guidance to be prepared during oral evidence and in writing.

The Minister has also offered a Ministerial commitment that the Department will include the exercise of the Chief Constable's functions under the provisions of the Act.

In the circumstances, the Department's position remains that no further amendment to clause 17 is necessary in order to comply with the Committee's wishes regarding the actual content of the guidance.

Data Collection

We note that the Committee is content with the Department's amendments in relation to data collection.

Training

We note the Committee's request and suggested amendment on the level of participation by personnel for training.

The Committee will wish to note that this provision is already provided for under our reporting amendments at clause 17C(1)(h) "*information about the level of participation, by persons for whom section 17B requires training to be provided, is the required training provided for them*".

We also note the Committee's request in its amendment that the detail of this participation in training should be reported before the end of the period of 18 months.

Given the staged implementation timeframes for the offence of stalking and that SPOs will require different training requirements and delivery schedules, the Department is of the opinion that the requirements of not less than 2 years and not more than 3 years, as currently presented in the draft text of our reporting amendment, provide a more practical timeframe than the Committee's suggested reporting period.

The Department's reporting requirements on training are consistent with reporting on all aspects of the Act and also in line with provisions in the Domestic Abuse & Civil Proceedings Act 2021. Consequently, we do not propose to bring forward any further amendment in respect of this provision.

Report on the operation of the Act

We note the Committee's welcome comments on the reporting provisions in the Departmental amendments.

We also note the Committee's concern regarding the level of detail regarding Stalking Protection Orders and interim Stalking Protection Orders (ISPOs/SPOs).

We can confirm that the level of detail regarding the number of orders that are varied, renewed or discharged can be facilitated within the current provision of the amendments at clause 17C(1)(o) "*any further information the Department considers appropriate*".

We would also draw the Committee's attention to clause 17C(1)(g) which provides "*information about the level of compliance with ISPOs/SPOs*". This provision will capture those who are in breach of an Order.

In light of these current provisions, we are of the opinion that subsections 4 and 5 of the Committee's amendments are not required.

The Minister of Justice trusts that this is helpful for the Committee in deliberation of their formal clause by clause consideration of the Bill on Tuesday 30 November.

Best Regards,

CLAIRE MCCORMICK DALO