



BRIEFING PAPER

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Harassment: "Police Information Notices" or "Early Harassment Notices" in England and Wales

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Summary

Constituents sometimes ask about the status of Police Information Notices (PINs) which the police may issue where there are allegations of harassment. These notices (sometimes called Harassment Warning Notices or Early Harassment Notices) are not covered by legislation, and don't themselves constitute any kind of formal legal action.

In July 2017 a joint report by Her Majesty's Inspectorate of Constabulary and Her Majesty's Crown Prosecution Service Inspectorate (HMIC/HMPSI) [recommended](#) that "chief constables should stop the use of Police Information Notices and their equivalents immediately".

The College of Policing has been working on new guidance for some time and [this is expected](#) to recommend the term "Early Harassment Notice" rather than Police Information Notices. The College says that the guidance will "clearly outline the limited circumstances when officers can use them."

Why do the police issue PINs?

The original idea behind getting people to sign PINs was to show in possible future legal proceedings that a suspect was aware that their behaviour would count as harassment. This is important because the offence of harassment occurs where:

- there has been a "course of conduct" (not just one event); and
- the perpetrator knows or ought to know that their conduct amounts to harassment.

No formal right of appeal

Because signing a Police Information Notice does not mean admitting any wrongdoing, there is no right of appeal. If a person is unhappy about the fact that the warning was issued, he or she could complain to the police force concerned. There might be other legal remedies depending on the circumstances.

The Home Affairs Committee's recommendations

The Home Affairs Committee produced a report on PINs in 2015. This noted that they could be a useful tool in combating harassment, but it also acknowledged that the lack of any procedure for appealing against a PIN "can feel very unfair to recipients." The Committee called for consistent publication of data and more training for the police. It also said that potential recipients should be given the opportunity to give their account of the situation before the PIN is issued.

Recommendation that PINs should end

In July 2017, HMIC/HMPSI found many examples of inappropriate use of PINs when they inspected the police and the Crown Prosecution Service's response to harassment and stalking. It noted that some forces have stopped issuing PINs. The report said that removing PINs from use would result in better responses to victims.

New guidance is being produced

The College of Policing is drawing up draft guidance on Early Harassment Notices which is to be included in new Authorised Professional Practice guidance on harassment and stalking. Publication of the guidance has been delayed for some time now. The College has been working with working with charities and others on training for the police.

This Briefing Paper covers the position in England and Wales only.

1. The notices

1.1 What is a "Police Information Notice"?

The police may issue notices where there are allegations of harassment. These notices are referred to using various names, including "Police Information Notices" (PINS), "Harassment Warning Notices" or "Early Harassment Notices". They have no statutory basis. They do not themselves constitute any kind of formal legal action. Therefore, there is no formal police procedure which must be followed, and no set time limit during which they have effect.

These notices don't have any statutory basis, and there is no formal police procedure governing them.

The notices are not formal police cautions, and signing one does not imply that the alleged harassment has taken place. However, the police may use them in future legal proceedings, and there is some operational police guidance on what should be included in them and how they should be issued. The decision about whether to issue them is purely an operational matter for the police.

1.2 What counts as harassment?

Library Briefing Paper 6648, [The Protection from Harassment Act 1997](#), gives background on that Act. Two points to note are:

- under the Act, it is a criminal offence to pursue a "course of conduct" which amounts to harassment of another person, where that person knows (or ought to know) that the act amounts to harassment; and
- in cases where one individual is harassing another,¹ there must be at least two separate occasions of the behaviour for it to count as a "course of conduct".²

The main purpose of a notice is to show that the accused person ought to know that certain behaviour amounts to harassment.

1.3 What are PINs for?

The Association of Chief Police Officers (ACPO) explained the development of PINs in evidence to the Home Affairs Committee in 2008:

Early "loopholes" were identified after the enactment of the Protection from Harassment Act 1997 when "stalkers" claimed that they did not know that their behaviour (such as sending flowers, cards etc.) amounted to harassment. That their intention was not to cause the victim to be either harassed, alarmed or distressed. To this end, police forces began issuing suspects with a formal notice of warning that the victim alleges that their behaviour does indeed cause harassment, alarm and distress and that, should such activity continue, then a prosecution will ensue.³

¹ As opposed to harassment of groups, where conduct has to be on at least one occasion in relation to each of the victims

² [Section 7\(3\) of the 1997 Act](#)

³ Home Affairs Committee, [Domestic Violence, Forced Marriage and "Honour"-Based Violence](#), HC 263-2007-08, Appendix 25, [Memorandum submitted by the Association of Chief Police Officers Stalking and Harassment Portfolio](#) 1 October 2007

[Crown Prosecution Service \(CPS\) guidance](#) says that these warnings can be useful in various circumstances. For example:

- when the suspect doesn't realise that their alleged actions may be a criminal offence;
- when only one instance of harassment has occurred (so it isn't a "course of conduct" under the Act; or
- when there is evidence of a "course of conduct" but the victim is unwilling to support a prosecution.

According to the CPS guidance, there are a number of benefits to PINs, including making sure people understand the law; preventing incidents from escalating and helping possible future prosecutions.⁴

There is no concept of official 'warnings' under the PHA. However, there are some circumstances in which it can be useful to inform a suspect verbally and/or in writing that their alleged actions may constitute an offence under the Act. Examples of such circumstances include the following:

- the suspect may be genuinely unaware of the provisions of the PHA and that their actions may constitute a criminal offence, or they may try to use such ignorance as an excuse for their activity;
- there may only be evidence of a single act causing the victim harassment, alarm or distress meaning that the notifiable offence of harassment has not occurred (in that a course of conduct has not been proven);
- there is evidence of a course of conduct, but the victim is unwilling to support a prosecution and there are other elements of the case which mean that we have decided not to continue with the prosecution.

1.4 What does the police guidance say?

The current guidance for the police, which was issued in 2009, sets out what the police should include in a PIN:

The notice itself should be sufficient to advise the suspect of the following:

That the police information notice is not a court order or any form of conviction or caution.

The requirements and scope of the PHA.

That all allegations of harassment are taken seriously and investigated by the police

That harassment, alarm or distress has been caused, or may have been caused, to the victim by specified actions of the suspect (or that this may be caused should the conduct continue or be repeated);

That any further, similar conduct could amount to a criminal offence under the PHA.

PINs should make it clear that they are not convictions or cautions. They should also advise that acknowledging receipt does not mean admitting wrong-doing.

⁴ Crown Prosecution Service, [Police Information Notices to Suspects about potential offences under the PHA](#), in [Stalking and Harassment](#) Legal Guidance, updated 23 May 2018

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The fact that the police information notice has been received could be used as evidence in any future criminal investigation or prosecution, or civil proceedings taken by the victim.

That acknowledging receipt of the notice does not mean that the suspect is admitting any wrongdoing – simply accepting information about the PHA and the police position on investigating allegations of harassment.⁵

It goes on to set out how PINs should be issued, and emphasises that officers shouldn't suggest that the notice implies guilt:

The views of the victim about the issuing of a police information notice should be sought and recorded. There may be exceptional circumstances when the victim does not wish the alleged offender to be issued with a police information notice. The reasons for this must be documented in the victim's statement or the officer's pocket notebook. The investigating officer should discuss the situation with the supervisor who is required to authorise the decision to issue a police information notice. The officer should document the decision to follow the victim's wishes or not, giving the reasons for the decision.

As the receipt of a police information notice may be used as evidence in subsequent proceedings, it should be given personally so that there is clarity about the suspect's identity and that they received the notice. Whenever a notice is given, officers should not suggest that this implies any guilt on the part of the suspect. Nor should they suggest that the police information notice marks and end of the matter as this could render evidence of conduct prior to the notice inadmissible in any subsequent prosecution.

When a police information notice has been issued, the officer should record that fact and the nature of the notice and offer it to the recipient to sign. This indicates their receipt and understanding. It may be necessary to caution a suspect if they make relevant comments. Any relevant comments made by the individual should be recorded in the officer's pocket notebook and the individual should be asked to endorse the record. In exceptional circumstances consideration should be given to using a personal delivery service or recorded delivery to issue a police information notice.⁶

The views of the victim on the issuing of a PIN should be sought and recorded.

1.5 How long should the police keep records about PINs?

The police are entitled to record details of PINs under their common law powers to obtain and store information for policing purposes (such as the preventing and detecting crime and preserving order).

There is no fixed period for which the police will retain details of PINs. Instead this period will vary from case to case depending on factors such as the seriousness of the harassment alleged.

When considering the recording and retention of PINs (and other policing information), the police should follow the principles set out in the statutory [Code of Practice on the Management of Police Information](#) (2005), as supplemented by the additional guidance from

⁵ ACPO/ National Policing Improvement Agency, [Practice advice on investigating stalking and harassment](#), 2009

⁶ *ibid*, para 3.9.2, pp71-2

the College of Policing set out in [Authorised Professional Practice: Information Management – Management of Police Information](#). At the time of writing, the College is working on updating the guidance.

The Supreme Court has ruled that the retention of PIN information by the police does not breach [Article 8 of the European Convention on Human Rights](#) (the right to respect for private life), provided that the police approach is “flexible enough to allow for information to be deleted when retaining it would no longer serve any useful policing purpose”.⁷

The Supreme Court considered that in cases involving allegations of a minor nature, a retention period of only a few months might be proportionate. In cases involving more serious allegations, particularly in a stalking or domestic violence context, a longer retention period could be justified.⁸

⁷ [R \(on the application of T\) \(AP \(Respondent\) v Commissioner of Police of the Metropolis \(Appellant\)](#) [2015] UKSC 9, Lady Hale at para 55

⁸ Lord Sumption at paras 42-44

2. The debate on PINs

2.1 The Coalition Government's consultation on stalking

The Coalition Government considered PINs in its 2011 consultation on stalking (for more background, see Library Briefing Paper 6261, [Stalking: Criminal Offences](#)). In its consultation document, the Government explained that there is no right of appeal against a PIN because signing a notice does not involve any admission of wrongdoing. It did, however, acknowledge concerns about PINs:

Acknowledging receipt of a Police Information Notice does not mean that the recipient is admitting any wrongdoing – they are simply accepting information about the PHA and the police position on investigating allegations of harassment which includes stalking. For this reason, there is no right of appeal. An individual's details would not be recorded on the police national computer purely on the basis of a PIN being issued and the existence of a PIN would not in any way be considered a criminal record.

We recognise that there are concerns around the process by which these notices are issued. Some argue that those issued with a Police Information Notice are not given a fair hearing. Equally we are aware that some consider Police Information Notices to lack teeth and that they give victims a false sense of security.⁹

In its response document, published on 24 July 2012, the Government said that the public had been concerned mainly with the ineffectiveness of the notices in protecting victims rather than problems for the recipients. It went on to say that the Home Office would be working with ACPO to review the guidance.¹⁰

2.2 The Home Affairs Committee report

The Home Affairs Committee looked at the issue in a report published in March 2015. The report criticised the lack of published data about PINS, and highlighted that recipients should be given information about complaints procedures and that more training was needed:¹¹

PINs are an operational matter left up to each force and this has resulted in examples of inconsistent use between forces, as well as within forces themselves. There is no sharing of information between police forces on PINs, which strongly undermines Chief Constables' ability to assess their force's usage. Each force should publish the number of PINs issued on their websites on a monthly basis. The Home Office should collate and publish annual data about the number of PINs issued by each force, including the number of cases in which repeat victimisation was reported following the issuing of a PIN, and the number of prosecutions

Both the Coalition and the Conservative Government have acknowledged concerns about PINs.

The Home Affairs Committee (HAC) called for better data to encourage a more consistent approach between forces.

⁹ Home Office, [Consultation on stalking](#), November 2011, p 7

¹⁰ Home Office, [Review of the Protection from Harassment Act 1997: Improving Protection for Victims of Stalking: Summary of Consultation Responses and Conclusions](#), 24 July 2012

¹¹ Home Affairs Committee, [Police Information Notices](#), HC 901 2014-15, 8 March 2015, p2

that followed. This will enable Chief Constables to see how their force compares to other forces.

The lack of any procedure for appealing against a PIN can feel very unfair to recipients. As already specified in the guidance, the intended recipient of a PIN should at least be given the opportunity to give their account of the situation before a police decision is made on the issuance of a PIN. This is not happening in many cases at the moment. Each police force should provide details of the complaints process to recipients alongside the original PIN. Each police force should provide a monthly list of the number of PINs issued, alongside details of the complaints process, on their website.

HAC said recipients should be told about the complaints procedures.

PINs can be a useful tool for stopping harassment, meeting the needs of the victim and addressing problematic behaviour. However, there is a clear danger that they may be used inappropriately if they are not done in conjunction with good risk assessment and sufficient investigation. It is vital that police forces provide further training to officers on the appropriate use of PINs, highlighting in particular that the use of a PIN is generally not appropriate where an investigation has established evidence of a course of conduct. The ACPO and College of Policing review of practice advice should take these issues into account. We hope that our successor Committee will monitor the issue of PINs to assess whether these improvements take place.

HAC said whilst PINs could be useful in addressing harassment, they could be used inappropriately and officers needed training.

The Association of Chief Police Officers (which has since been replaced by the National Police Chiefs' Council) published a response to the Committee's report:¹²

National Lead for Stalking and Harassment Assistant Chief Constable Garry Shewan said:

"As recognised by the Home Affairs Committee, a Police Information Notice (PIN) is a useful tool for helping stop harassment and meet the needs of victims.

"However, to work effectively and safely they must be used correctly and forces constantly deliver and refresh training to front line staff to ensure their use is appropriate and proportionate. This includes recent police and CPS protocol that makes it clear when PINs should be used. New guidance, that will shortly be issue by the College of Policing, will further reinforce training requirements across all forces.

The College of Policing has been working on new guidance.

"Appropriate use should mitigate the need for appeal as they work to inform police of when behaviour could amount to harassment rather than holding any legal standing in their own right.

"I support the proposal of publishing the number of PINs issued and will work with forces to agree a process for this, including frequency of release."

In a letter of response, the then Home Office Minister Karen Bradley said that it was a matter for each force to decide about publishing data; the College of Policing (which now provides Authorised Professional Practice guidance to the police) were, she said, considering PINS

¹² National Police Chiefs' Council, [Police Information Notices \(PINs\) are an effective tool in helping tackle harassment](#), 8 March 2015

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guidance as part of a review of the guidance on harassment and stalking:¹³

More broadly, the National Policing Lead for Stalking and Harassment, ACC Gary Shewan, is aware of concerns about the use of PINs and is currently working on gathering the views of experts and practitioners so that an informed decision can be made about their future use. I met with ACC Shewan recently to discuss how the Home Office can support his review of PINs to ensure that usage of PINs across forces is consistent and effective.

(...)

Any changes in practice will be reflected in the Stalking and Harassment Authorised Professional Practice.

¹³ Home Office, [Letter from Karen Bradley MP, Minister for Preventing Abuse and Exploitation to Rt Hon Keith Vaz MP](#), 9 July 2015

3. The call for the police to stop using PINs

In July 2017, HM Inspectorate of Constabulary (HMIC)¹⁴ and HM Crown Prosecution Service Inspectorate (HMCPPI) inspected the police and Crown Prosecution Service response to stalking and harassment crimes. This included looking at the use of PINs.¹⁵

The report recommended that “chief constables should stop the use of Police Information Notices and their equivalents immediately”.¹⁶ The inspection found that there was no consistent use of PINs – some forces had stopped using PINs altogether, and others had placed “significant restrictions on their use such that they should rarely be used”.

The report commented that this divergent approach made it “difficult to see how the College of Policing can accommodate these different approaches in one revised Authorised Professional Practice”.

The inspection also found “compelling evidence in some cases that victims had not been properly protected, no thorough investigation had taken place and there was no positive action to protect the victim”, and found “many examples of inappropriate use of a PIN, where what was required was a robust investigation with positive action to protect the vulnerable victim”.

The report suggested that removing PINs from use would lead to more thorough investigations, which would lead to the following positive effects for victims:

- the risks to victims should be better assessed and managed;
- more perpetrators should be brought to justice, particularly in cases of domestic abuse; and
- victims should be better protected through the use of bail conditions and restraining orders.¹⁷

The report recommended that the Government should consider legislating to create “protection orders for harassment crimes”, along the lines of existing Domestic Violence Protection Notices and Orders and proposed Stalking Protection Orders.¹⁸

HMIC has called for the police to stop the use of PINs immediately, and to focus on more thorough investigations of stalking and harassment.

¹⁴ HMIC is now called Her Majesty's Inspectorate of Constabulary and Fire & Rescue services

¹⁵ HMIC/ HMCPPI, [Living in fear – the police and CPS response to harassment and stalking: A joint inspection by HMIC and HMCPPI](#), July 2017, pp44-49

¹⁶ [Ibid, p49](#)

¹⁷ Ibid

¹⁸ [Domestic Violence Protection Notices and Orders](#) are set out in sections 24 to 33 of the Crime and Security Act 2010. Stalking Protection Orders are proposed in Sarah Wollaston's [Stalking Protection Bill 2017-19](#), which had its second reading on 18 January 2018 but has made no further progress at the time of writing.

4. When will new guidance be published?

New College of Policing guidance has been expected for over two years. A Written Answer to a PQ in January 2016 said it would be published in the Spring of 2016.¹⁹ However, the guidance has not yet been issued and the draft guidance is not published on the College's website.²⁰ In response to the HMIC/HMCPSI report, the College of Policing said that PINS would be replaced by Early Harassment Notices when the new guidance was published later in 2017. However, he also pointed to the complexity of the issue and work the College was doing with charities and others to provide appropriate training for the police:

David Tucker, crime and criminal justice lead for the College of Policing, said: "We know that stalking and harassment can have a detrimental impact on someone's life so we have introduced training for all new police recruits and existing officers.

"We recognise that these offences are often complex and difficult to resolve so our training means officers can spot the signs early to help victims and hold perpetrators to account.

"Police Information Notices, which acts as a warning rather than a formal sanction, have caused some concern and they will come to an end later this year when we issue new guidance for Early Harassment Notices. The guidance will clearly outline the limited circumstances when officers can use them.

"The College is carrying out further work to protect vulnerable people by working with charities and others to create new vulnerability training for police and we will begin piloting that in some forces soon."²¹

In April 2018, the Government said that the guidance was expected "shortly":

Asked by [Alex Sobel](#)

To ask the Secretary of State for the Home Department, what the timetable is for the guidance on Police Information Notices in the Authorised Professional Practice guidance on harassment and stalking to be published.

Answered by: [Mr Nick Hurd](#)

Answered on: 30 April 2018

The College of Policing has produced updated guidance on investigating stalking and harassment, including the use of Police Information Notices by the police, which is currently being reviewed. It is expected that the College will publish this guidance shortly.²²

Guidance has been expected for some time, as part of wider guidance on harassment and stalking.

¹⁹ [PQ 24070 \[on Police Information\]](#), 28 January 2016

²⁰ See the [Stalking and harassment](#) pages of the College of Policing Authorised Professional Practice webpages

²¹ College of Policing, [Comment in response to HMIC report on stalking and harassment](#), 5 July 2017

²² [PQ 138564 \(on Harassment\)](#) 30 April 2018 -

5. Can you challenge a PIN?

As a PIN has no legal force, there are no formal rights of appeal. Individuals who have received a PIN can make a complaint to the police force that issued the original PIN.

Information on police complaints is given in Library Briefing Paper 2056, [Police Complaints Systems in the UK](#), and on the [Independent Office for Police Conduct's website](#).

Another option might be to seek judicial review in the High Court. A person wishing to do this would need legal advice. Library Standard Note 3207, [Legal Help: Where to go and how to pay](#), gives more information about this.

Similarly, if someone who has received a PIN wants to check the implications for any future action they might take, they should consider getting legal advice.

People wanting to challenge a PIN could complain to the force concerned.

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