



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.

Why do the police issue PINs?

One reason the police get people to sign these notices is 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.

New guidance is being produced

The College of Policing has produced draft guidance on PINs which is to be included in new Authorised Professional Practice guidance on harassment and stalking. The guidance has yet to be published, however.

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 sometimes have various names, including “Police Information Notices” (PINS), “Harassment Warning Notices” or “Early Harassment Notices” (EHNs). 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 guidance on what should be included in them. 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**;
- 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

Their main purpose is to show that the accused person ought to know that certain behaviour amounts to harassment.

1.3 What are the notices for?

The Association of Chief Police Officers (ACPO) explained how the policy started 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

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

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

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- 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)
- 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, including making sure people understand the law; preventing incidents from escalating and helping possible future prosecutions.⁴

1.4 Information they should contain

The current guidance for the police issued in 2009, says what should be included in the notices:

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.

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 emphasise that officers shouldn't suggest that the notice implies guilt.⁶

1.5 How long should the police keep records about PINs?

This will depend on the circumstances of the case and the seriousness of the harassment alleged.⁷

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.

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

⁶ *ibid*, para 3.9.2, pp71-2, emphasis added

⁷ Supreme Court, [R \(on the application of T\) \(AP\) \(Respondent\) v Commissioner of Police of the Metropolis \(Appellant\)](#), 4 March 2015

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 acknowledge concerns, however:

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.⁸

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.⁹

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:¹⁰

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.

⁸ Home Office, [Consultation on stalking](#), November 2011, p 7

⁹ 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

¹⁰ Home Affairs Committee, [Police Information Notices](#), HC 901 2014-15, 8 March 2015, p2

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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.

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.

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:¹¹

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.

"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

HAC said recipients should be told about the complaints procedures.

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

The College of Policing has been working on new guidance.

¹¹ National Police Chiefs' Council, [Police Information Notices \(PINs\) are an effective tool in helping tackle harassment](#), 8 March 2015

guidance as part of a review of the guidance on harassment and stalking:¹²

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

2.3 When will new guidance be published?

A Written Answer to a PQ in January 2016 said the new guidance would be published in the Spring:¹³

Q

Asked by Tim Loughton

Asked on: 25 January 2016

24070

To ask the Secretary of State for the Home Department, what progress has been made by the College of Policing in its review of the operation of Police Information Notices.

A

Answered by: Mike Penning

Answered on: 28 January 2016

Holding answer received on 28 January 2016

The College of Policing has completed its review of Police Information Notices and has consulted with key partners.

The College Of Policing has produced draft guidance and this will be included in the Authorised Professional Practice on Stalking and Harassment due to be published in the Spring.

However, the guidance has not yet been issued and the draft guidance is not published on the College's website.¹⁴ It is currently expected by the end of the 2016.¹⁵

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

¹² Home Office, [Letter from Karen Bradley MP, Minister for Preventing Abuse and Exploitation to Rt Hon Keith Vaz MP](#), 9 July 2015

¹³ [PO 24070 \[on Police Information\]](#), 28 January 2016

¹⁴ See the [Stalking and harassment](#) pages of the College of Policing Authorised Professional Practice webpages

¹⁵ College of Policing, personal information, 11 October 2016

3. 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 [IPCC website](#).

Another option might be to seek judicial review in the High Court, which 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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