

Helen Dickinson
Chief Executive
British Retail Consortium

15 March 2024

Dear Helen Dickinson,

We are writing to you with our concerns regarding your proposal for a new offence of assaulting a retail worker (technically common assault where the victim is a shop worker) which as tabled recently includes an increase in the statutory maximum sentence from six months imprisonment to one year. The amendment to the Criminal Justice Bill tabled by Shadow Policing Minister Alex Norris MP, https://publications.parliament.uk/pa/bills/cbill/58-04/0155/amend/criminal_rm_rep_0313.pdf applies to both children and adults and includes an aggravating factor “if the behaviour constituting the offence occurred because of the enforcement of a statutory age restriction”.

We who work in the criminal justice voluntary sector understand the pain and harm caused to shop workers by those who abuse and attack them. We understand that shop workers are in a very vulnerable position given that their abuse is suffered while they are “on duty” and is often triggered by shop workers' attempts to prevent another crime - shoplifting. We understand that all retail crime has recently increased and that shop workers report challenges getting police to attend incidents promptly or at all.

However, we would urge retail trade stakeholders to think again about their support for the legislative proposal which includes an increase in the maximum prison sentence for this offence. We believe this increase in the maximum sentence to one year will do more harm than good, for the reasons set out below.

1. Short prison sentences (both six months and a year maximum count as short sentences) are not effective in terms of reducing offending. Prison sentences have a higher reoffending rate than non-prison sentences <https://www.college.police.uk/research/crime-reduction-toolkit/imprisonment-and-other-custodial-sanctions>.
2. Short prison sentences break community, family and employment ties and often cause loss of housing too. This directly leads to a higher likelihood of unemployment, of social isolation and of homelessness on release.
3. The conditions in the prisons which accommodate those who serve short prison sentences are very poor - prisoners are locked in their cell except for a few hours, violence is rife and drugs are often freely available. Those who receive short prison sentences seldom have access to education, employment or rehabilitation opportunities while they are in prison.
4. While we do not know the demographic profile of those who abuse shop workers, evidence on those who are convicted of shoplifting suggests that those who commit retail crime often have substance abuse issues. They commit retail crime in order to fund their drug addictions. We also know that theft from shops was the most common indictable offence for female defendants in 2021, and that there are an increasing number of women, men and children who are shoplifting due to poverty. Short prison sentences do not address issues of poverty or addiction.
5. We are concerned that this legislative proposal applies to children as well as adults

and that the aggravating factor (if the offence occurred as a result of product age restrictions) will lead to children and young people getting more punitive sentences than older adults. Children who get into trouble with the law are the most vulnerable in society and suffer particularly adverse outcomes as a result of imprisonment.

Retail stakeholders point to the relatively new offences of assault emergency worker in England and Wales and to the offence of assault retail worker in Scotland as examples to emulate. However, we question whether there is any data to suggest these new offences have reduced offending. There is no impact data nor benchmarking data to track any increase in arrests in Scotland since the introduction of the new offence, as data on the location of assault was not previously collected. Since the introduction of the offence of assault emergency worker in England and Wales there has been an increase in abuse against emergency workers. Recently, Tiffany Lynch, Deputy Chair Police Federation, said “I’d love to say that tougher sentencing has had a positive effect on reducing the number of assaults on officers, but it hasn’t.” There is also evidence that a disproportionate number of those convicted of assault emergency worker have severe mental health problems or are neurodiverse

<https://www.transformjustice.org.uk/publication/protecting-the-protectors-do-criminal-sanctions-reduce-violence-against-police-and-nhs-staff/>. Several people convicted of assault emergency worker have tragically taken their own lives including Annalise Sanderson who was imprisoned for assaulting a paramedic who tried to prevent her setting herself alight <https://www.inquest.org.uk/annelise-sanderson-inquest-closes>. Annalise was sentenced to serve 52 weeks.

We agree that abuse and common assault against shop workers needs to be taken seriously by the police and other agencies. However, there is evidence that measures (e.g. restorative justice, drug rehabilitation, victim awareness programmes, shop re-design, training in de-escalation) other than increasing the maximum sentence could reduce such offending and address the harm felt by victims.

We look forward to discussing these issues with you.

Yours

Penelope Gibbs Transform Justice
Andrea Coomber, Howard League
Pavan Dhaliwal, Revolving Doors
Mike Trace, Forward Trust
Campbell Robb, Nacro
Pia Sinha, Prison Reform Trust
Lena Patel, Responsible Business Initiative for Justice
Natasha Finlayson, Working Chance
Sonya Ruparel, Women in Prison
Claire Hubberstey, One Small Thing
Aika Stephenson, Just for Kids Law
Louise King, Children’s Rights Alliance for England