



ACS (the Association of Convenience Stores) Submission

Getting It Right for Victims and Witnesses

1. ACS (the Association of Convenience Stores) welcomes the opportunity to respond to the Ministry of Justice's consultation on Victims and Witnesses. ACS represents 33,500 local shops across the country including the Co-op, Spar, Costcutter as well as thousands of independent retailers. (Annex A)
2. Crime prevention and justice policy is a key concern for retailers who often find themselves, their staff and their businesses victims of crime. Retail industry data shows a sustained level of violent and verbal attacks against retailers and their staff.
3. The convenience sector is in many ways is more vulnerable to crimes such as robberies due to their isolated locations from other businesses, which has direct implications for employees. ACS' crime survey for 2011 has shown a significant increase in robberies, burglaries, verbal and violent abuse. However, the survey has also shown retailers are committed to tackling these problems through significant investment amounting to £3.5 million¹ – across the whole retail sector investment in crime prevention measures has increased by 1.4 per cent². Given this evidence support for retailers and their employees is essential.
4. ACS is a member of the National Retail Crime Steering Group which includes on its work plan a specific actions relating to this consultation. This includes ensuring the justice system recognises businesses as victims through greater clarity in the Victims' Code and increased use of Victim Personal Statements for businesses and their staff. Businesses are seriously affected by crime and must be entitled to the support of the justice system to manage the effect on them and their employees.

The Victims' Code

5. The Victims Code must be clear that it provides support for businesses that become victims of crime. ACS welcomes the Government's commitment to ensure that businesses "receive the information and support they need." ACS will support the

¹ ACS Crime Survey 2012

² BRC Retail Crime Survey 2011

Government to develop and deliver specific guidance for businesses to ensure that they can understand and use the provisions that are set under the Victims Code.

6. Using trade associations, such as ACS, is the most effective way to communicate the provisions available to businesses under the code. ACS recommends the creation of tailored guidance for business on what is available under the code and how to use it to support employees that become victims during their work.

Victim Personal Statements

7. Currently only small businesses are able to give Victim Personal Statements, large businesses are not. As referenced in the consultation document the riots of 2011 have brought into question this policy as businesses were not able to reflect the impact that the riots had on them overall.
8. This has long standing implications:
 - a. Businesses are alienated from reflecting the short term financial implications and the longer term emotional effects on their employees and the costs of managing this.
 - b. Magistrates and Judges are not fully informed of the implications of crimes meaning they are potentially not making fully informed sentencing decisions.
 - c. This lack of consultation reduces confidence in the justice system from the business community. This in turn may deter businesses from reporting crime. ACS' crime survey has shown that shop theft and verbal abuse are the most under reported crimes due to a lack of confidence in the response from Police and the Justice System.

Promoting Victim Personal Statements

9. As part of the National Retail Crime Steering Group ACS has developed guidance for members and other bodies on utilising the Victim Personal Statement. We have also actively promoted and encouraged their use among members through industry trade press, events and in direct communication with members.
10. The limited use of Victim Personal Statements is a problem that must be tackled across the board. Retailers need to be made more aware of their importance and police need to be more willing to offer them and outline their importance. Currently evidence estimates that Victim Personal Statements are only offered in 43 per cent of cases³.

³ Victim Personal Statements: A Review of Empirical Research, October 2011 - <http://www.justice.gov.uk/downloads/news/press-releases/victims-com/vps-research.pdf>

11. Attached at Annex B is ACS' guidance on Victim Personal Statements.

Extending the use of the Victim Personal Statement

12. Restricting the use of Victim Personal Statements to small business has proved to be inconsistent on the ground. Often small business owners are not given the opportunity to provide a Victim Personal Statement due to gaps in local knowledge about what is and is not a small business.
13. In the convenience sector for example, many small businesses trade under branded fascias such as Spar, Costcutter or Nisa called "Symbol groups". Although they may appear to be a large corporate chain they are more likely to be run by individual retailers. The only relationship they will have to the fascia is a supply/ wholesale agreement which includes the use of central branding making them more recognisable to consumers. Allowing all businesses to provide a Victim Personal Statement would overcome any misinterpretation and increase the level of use of Victim Personal Statements.
14. ACS supports the extension of the use of Victim Personal Statements for all businesses large and small.

Creating a Business Impact Statement

15. In response to question 17 of the consultation ACS believes that the Ministry of Justice should create a new tool specifically for businesses to report the impact of crime on them. The creation of a Business Impact Statement would allow the business owner or store manager to set out the impact on the business financially in the long term and short term, and on their employees.
16. A Business Impact Statement should work on the same basis as current Victim Personal Statements meaning an initial statement can be given at the scene by a designated individual and added to later if wider implications arise. In the context of the riots this would have provided businesses with the opportunity to reflect the long term implication on their businesses financially, operationally and emotionally for their staff. Such information will be invaluable for Magistrates and Judges to make more informed sentencing decisions.
17. The creation of a Business Impact Statement should not prevent individual members of staff directly affected by the crime from providing their own Victim Personal Statements. Allowing them to reflect their experiences and asking for support in their own Victim Personal Statement is essential.
18. ACS is fully committed to working with the Ministry of Justice to further develop the concept and criteria of issues that could be included in a Business Impact Statement.

Criminal Injuries Compensation Authority

19. The proposals set out in the consultation to remove Criminal Injury Compensation Claims for band 1 to 5 is concerning. Band 1 to 5 injuries are the most likely injuries to be sustained by retail employees that are violently attacked in the workplace.
20. USDAW have highlighted that in the past year they have supported 125 retail employees with compensation claims. Under the proposals set out in the consultation 67 per cent of claimants helped by USDAW last year would not be supported and many others would receive significantly reduced payments.

For more information on the contents or recommendations of this consultation please contact Edward Woodall, Public Affairs Executive – Edward.woodall@acs.org.uk or 01252 533014.

Annex A – Association of Convenience Stores

ACS is the trade body representing the interests of over 33,500 convenience stores operating in city centres as well as rural and suburban areas. Members include familiar names such as Martin McColl, Spar, Nisa Retail and The Co-operative Group, as well as independent stores operating under their own fascia. Our members operate small grocers, off-licence or petrol forecourt shops with between 500 and 3,000 square feet of selling space.

ANNEX B – ACS' Victim Personal Statements Guidance

What is a Victim Personal Statement?

Victim Personal Statements give victims the opportunity to state how a crime has affected them - physically, emotionally, psychologically, financially or in any other way and provide the criminal justice agencies with a ready source of information on how the particular crime has affected the victim involved.

A Victim Personal Statement is a statement that can be given to the police in addition to a witness statement following a crime or anytime afterwards prior to the Court hearing.

How do I give a Victim Personal Statement?

You should REQUEST the police take a Victim Personal Statement in addition to a witness statement if it is not offered by the police.

When the police attend to an incident they will take witness statements from those involved or in the vicinity of the offence.

Victim Personal Statements are separate from witness statements as they reflect the impact of the crime on the victim – the police will distinguish this in their notes.

In the event that your business is targeted, and not a specific individual you can designate one person to act as a contact for service providers (police or victims unit).

A pro forma Victim Personal Statement form is available to help you submit evidence to the police.

What should I include in a Victim Personal Statement?

A Victim Personal Statement can include matters which do not directly relate to evidence in the case. Therefore you can consider addressing issues that have affected you as a result of a crime for example:

- Impact on business
- Injuries
- Long term discomfort
- Trauma
- Anxiety
- Distress
- Emotional problems
- Social problems
- Financial problems
- Employment difficulties

This list is not exhaustive but provides a guide of the issues that can be legitimately raised. Victim Personal Statements CANNOT include opinions of appropriate sentences – any reference will NOT be considered by a Court or Magistrate.

Can I Submit a Victim Personal Statement after an Incident?

In the event that you do not give a Victim Personal Statement immediately after the incident or you forgot to mention something you can submit additional information to the police before the Court hearing.

A pro forma Victim Personal Statement form is available to help you submit evidence to the police.

Why Should I Give a Victim Personal Statement?

A Victim Personal Statement will be used by Magistrates and Courts to understand the impact of a crime on the victim. The Victim Impact Statements adds context to a case and may help identify persistent offences and vulnerable victims.

Victim Personal Statements are read by magistrates and judges prior to sentencing to understand the impact of the crime on the individual.

Victim Impact Statements are treated the same as any other statements to prosecutors and will not have direct bearing on a final sentence.

A guide to victim personal statements is available

here: http://sussex.police.uk/media/219924/making_a_victim_personal_statement_leaflet.pdf