



ACS Submission – Justice Select Committee Inquiry into Restorative Justice

1. ACS (the Association of Convenience Stores) welcomes the opportunity to respond to the House of Commons Justice Committee's inquiry into restorative justice (RJ). ACS represents 33,500 local shops across the UK including the Co-operative Group, Spar, One Stop and thousands of independent retailers.
2. Retail crime, especially shop theft, is one of the biggest operational challenges convenience retailers face. Home Office data shows that the bulk of crime against the retail sector is the result of theft by customers. The Home Office Commercial Victimization Survey found that 51%¹ of all incidents against the retail and wholesale sector were from shop theft. ACS Crime Report 2015 reinforces this by highlighting that shop theft costs the convenience sector an estimated £35million² each year. Retailers estimate that 59%³ of shop theft they experience is premeditated and committed by an individual acting alone.
3. Our members are therefore familiar with engaging with the police and the justice system in managing high volume low value crimes such as shop theft and antisocial behaviour. The most frequent sanctions used to manage shop theft are out-of-court disposals, but our members also have experience of RJ. There is a general negative perception about using RJ to respond to shop theft offences. Retailers have come to this view for a number of reasons including lack of consistency in the application of RJ, lack of consultation between police and retailers about the use of RJ and the burden RJ has on their business.

Restorative Justice Action Plan 2014

4. Retailers' concerns about the use of RJ align directly with the key areas of focus identified in the action plan:

Equal Access
5. Point F calls for the RJ justice team to work closely with the out-of-court disposal team "so that RJ is fully embedded within the out of court disposal arena... And used appropriately by police officers". We fully endorse this action, however feedback from our members suggests that this collaboration has not been fruitful in delivering a consistent and appropriate approach to the application of RJ.

¹ Home Office CVS 2015

² ACS Crime Report 2015

³ ACS Crime Report 2015

6. The Ministry of Justice can ensure the appropriate use of RJ by replicating the offender eligibility criteria for out-of-court disposals which determines whether an offender is suitable or whether to charge an offence. The decision making process for the use of out-of-court disposals considers any mitigating or aggravating features. This will ensure that RJ is not used for more serious offenders and to avoid re-victimisation.

Awareness and Understanding

7. There is insufficient understanding from both police and retailers concerning the role of RJ, its effectiveness and when it should be used. We recommend that the Ministry of Justice consider widening the group of stakeholders they engage with to communicate the value of RJ.
8. We believe that the Ministry of Justice should also consider developing guidance (similar to guidance given to police on out-of-court disposals) specifically on how RJ should be used within business environments. The guidance provides an opportunity to include case studies which examine the implications for victims engaging with RJ. ACS would be willing to work with the MOJ in developing and communicating this information. Communicating RJ's effectiveness in reducing offending rates, especially for first time offenders, could result in high take up by the business community.

Good Quality

9. Consistency of approach from the police in delivering RJ is the biggest issue that retailers raise with us. We support the statement below that: "RJ activities should take place with the consent of both the victim and the offender and when a trained facilitator has made an assessment that it would be appropriate."
10. However, retailers often report that police attempt to use RJ without consent of the retailer (victim) or sufficiently analyse how appropriate certain types of RJ responses are. For example, after a shop theft offender has been caught it would be an operational risk for that offender to work in the shop to pay off the debt. It would also be inappropriate for RJ to be used where there have been aggravating factors such as significant damage to the store, aggression toward staff or repeat offences. We suggest that these points are clarified in guidance.

Operational Disruption

11. RJ can also be time consuming and costly for retailers and their staff to engage with. Convenience retailers are committed to working with the police to tackle retail crime offences, however their first priority has to be the running of their business. For example, having staff members out of the business to speak with offenders or liaising with police and the CPS on how best to engage. The Ministry of Justice should consider how they can make business engagement with RJ as light touch as possible

Conclusion

12. Retailers understand that RJ can be an effective tool to reduce reoffending especially amongst first time offenders. Retailers would like to see greater consistency in how RJ is used to tackle low value high value offences like shop theft and be consulted with before it is used.
13. We recommend that the MOJ consider development of guidance for the use of RJ in business environments, which includes reference to minimising cost and burdens on businesses. We support the primary goals of the RJ action plan and are willing to work with the MOJ to communicate it to convenience retailers.

For more information on our submission, please contact Julie Byers, ACS Public Affairs Executive at Julie.Byers@acs.org.uk or call 01252 515001.