



## **ACS Submission: Proposals for revising the Code of Practice for Victims of Crime**

ACS welcomes the opportunity to respond to the Ministry of Justices' consultation on Proposals for revising the Code of Practice for Victims of Crime. ACS represents 33,500 local shops across the UK including the Co-Op Group, independent Regional Co-operatives, Spar, One Stop and thousands of independent retailers. More information about ACS and the convenience sector can be found in Annex A.

ACS previously responded to the consultations on 'Getting It Right for Victims and Witnesses and Improving the Code of Practice for Victims of Crime'. The change to the provision of support for businesses as victims of crime was an important step in undermining the perception that business crime is victimless. We want the Victims' Code to be enhanced to do more recognise businesses as victims of crime and make them aware of the services and support available to them. We are open to working with the Ministry of Justice and other agencies to promote Chapter 4 of the Victims' Code that focuses on businesses.

ACS' Voice of Local Shops polling of 1,200 convenience retailers in February 2019 found that only 40% of retailers who reported a violent incident to the police were made aware of the option to make an impact statement for business (ISB)<sup>1</sup>. This demonstrates that there is still more work to do to ensure that ISBs are offered by the police and used by businesses. We also believe that increased use of ISBs will enhance the sentences issued for offenders, but this can only be delivered through greater awareness of the services, systems and options that businesses have available to them.

The consultation to review the Victims' Code is timely given the challenges that the convenience sector, and other retailers, are facing from increased violence and abuse. ACS' Crime Report 2019 estimates that there were almost 10,000 incidents of violence against people working in convenience stores last year. The Home Office's Commercial Victimization Survey 2017 found that the number of violent incidents in the retail sector increase from 524 incidents per 1,000 premises to 1,433 incidents per 1,000 premises<sup>2</sup>.

ACS' response to the relevant questions are detailed below. ACS' main recommendations for changes to the Victims' Code include:

- The government must do more to recognise businesses as victims of crime by focusing on Chapter 4 of the Code in the second consultation and promoting the rights of businesses through targeted communications
- The Code and accompanying guidance should make clear that every business must be offered the opportunity to make an Impact Statement for Business for every crime reported
- The Code must make clear businesses rights to consistent and clear communication on their case throughout their victim journey using a single point of contact

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<sup>1</sup> ACS Voice of Local Shops Survey February 2019

<sup>2</sup> Home Office [Crime against businesses: findings from the 2017 Commercial Victimization Survey p4 Table 1.1](#)

## 1. Are there any specific areas/issues that you think we should also focus on in our second consultation?

This consultation does not make reference to businesses as victims of crime. The second consultation must include focus on Chapter Four of the Victims Code, which refers to business crime. Retail businesses and the people who work within them are victims too and more must be done by government in recognition of this. We need to ensure that the code works for businesses.

As members of the National Retail Crime Steering Group, which is Chaired by Victoria Atkins MP, Minister for Crime, Safeguarding and Vulnerability, we have been working to update the guidance available to business on completing ISBs. The guidance is available [here](#). We would like to see more resources and time committed by the Ministry of Justice to communicating the options available to business under Chapter 4 of the Victims Code.

Convenience stores are often victim to crime. Convenience retailers have a unique reach into every community across the UK trading on high streets, neighbourhood parades and in villages. 38% of the convenience sector trade in isolated locations with no other business around them while 42% are located on a small parade with up to five businesses around them<sup>3</sup>.

In the last year, retail crime cost the convenience sector £246 million, which is equivalent to £5,308 per convenience store<sup>4</sup>. Retailers are often repeatedly targeted by the same individuals, who when challenged, become violent or abusive. ACS' crime survey asks convenience retailers about the perpetrators of shop theft. Retailers perceive that 79% of offenders are repeat offenders, and that only 21% are opportunists<sup>5</sup>.

In January 2019, ACS commissioned a research agency to run focus groups speaking directly to people employed in convenience stores to better understand their experience of working in the sector. Convenience store staff expressed that they felt unsupported by the police and authorities and therefore take more responsibility in crime detection and prevention.<sup>6</sup>

Whilst the financial costs are staggering, the true impact of crime is on the people working in convenience stores. ACS' Crime Report 2019 found that there were 9,782 incidents of violence in the last year, with 41% resulting in injury and 83% staff experiencing verbal abuse just for doing their job. ACS' polling of 1,210 independent and symbol group convenience retailers indicates that 48% of retailers experienced violence or verbal abuse in their business in the last year<sup>7</sup> and 31% had experienced violence in the last 12 months alone.<sup>8</sup> We estimate there were 11,792 incidents involving a weapon in the convenience sector over the last year, 68% of these incidents involved knives, 26% involved other weapons such as a hammer, or syringe and 6% involved a firearm.<sup>9</sup>

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<sup>3</sup> ACS Local Shop Report 2019

<sup>4</sup> [ACS Crime Report 2019](#)

<sup>5</sup> [ACS Crime Report 2019](#)

<sup>6</sup> ACS Colleague Survey 2019, Focus Groups

<sup>7</sup> ACS Voice of Local Shops Survey April 2019

<sup>8</sup> ACS Voice of Local Shops Survey May 2019

<sup>9</sup> [ACS Crime Report 2019](#)

Violent incidents can be incredibly traumatic for individuals, causing not only physical injury but significant emotional impacts and leaving members of staff afraid to return to work. The Code must make clearer the rights of businesses and the support available to victims.

**2. Do you agree with the proposal to have separate guidance alongside the Code aimed at victims and practitioners? Please give reasons for your response.**

Yes. The Government should consider the development of separate guidance for businesses that are victims of crime to ensure that they are aware of their rights to make an ISB, how the name contact process works and how the ISB will be used in court. The business community is diverse and will have differing needs to other victims of crime. Equipping officers with pledge cards for businesses that are victims of crime could encourage greater take up of ISBs and the support available to business and their staff. ACS would welcome the opportunity to work the Ministry of Justice to deliver this as part of existing crime prevention guidance, which is freely available to access [here](#).

**3. Do you agree with the proposal to change the structure to a smaller number of overarching rights? Please give reasons for your response.**

Yes.

**4. How else could we improve the accessibility of the Code?**

The Victims' Code should be made available where victims will seek to report crime or seek to engage with the police, for example on Police.UK. The Ministry of Justice and the Victims' Commissioner should also invest in a communications campaign to raise awareness of the code amongst key stakeholders or where the evidence suggests victims are underserved.

**5. Do you agree that there is a particular need to strengthen communication from the point of charge? Please give reasons for your response.**

Yes, businesses should have a single point of contact to communicate with clearly. Under the Code businesses have the right to a named point of contact for all communication between the business and service provider, such as the police, Witness Care Units or the courts.

**6. Should the victim's preferences relating to frequency and preferred method of contact through their criminal justice journey be recorded as part of the initial communication? And if so, should these preferences form part of the referral process between agencies? Please give reasons for your response. Victims' Voice:**

Yes. Retailers are overwhelmingly dissatisfied with police response to crimes against their business, and this could partly be attributed to the lack of communication and contact from the police after a crime is reported. ACS' Crime Survey 2019 found that retailers are overwhelmingly dissatisfied with the response they receive from police to crime against their business. 86% were dissatisfied with the sanctions issued to offenders, 85% were dissatisfied with the consistency of police response, 81% were dissatisfied with police response to repeat offenders, 80% were dissatisfied with the time taken for an issue to be resolved, 70% were dissatisfied with the time taken for police to respond to an incident, 70%

were dissatisfied with police investigation of an incident. Finally, 65% were dissatisfied with the ease of reporting a crime to the police<sup>10</sup>.

If a crime is passed from the police to the criminal justice system, it is important that communication with the victim is consistent. Retailers are not always updated on the status of their case and therefore often perceive that nothing has been done. It is important that where there are updates, victims are informed. This would undoubtedly improve retailer's perception of the response to business crime from the police and the justice system and prevent future underreporting.

**7. Do you agree with the proposal to provide agencies with more discretion on when the Victim Personal Statement is offered? Please give reasons for your response.**

We would like to see all businesses offered the opportunity to provide an ISB. Currently Chapter 4 of the Victims Code states that: "The police should offer a name contact the opportunity to make an impact statement". We would like to see this amended from 'should' to 'must' in order to increase the number of offers to provide an ISB. There is a risk that greater discretion could reduce the number of times an ISB is offered.

We recognise that the full effects of the crime may not be known at the point at which a witness statement is given to the police. For example, the financial cost of repairing damage, loss of revenue over a period of time due to store closure or staff absence or the psychological impacts of the crime on staff. Therefore, there should be an opportunity for ISBs to be issued at a later date.

**8. Do you agree that victims should be provided with a copy of their Victim Personal Statement? Please give reasons for your response.**

Yes.

**9. Are there any additional comments you wish to make on changes to the Victim Personal Statement process?**

The code states "The police should offer a named contact the opportunity to make an Impact Statement, refer them to guidance on how to complete this, and forward a completed statement to the CPS."

All businesses are entitled to make an Impact Statement for Business which outlines how a crime has affected the business. This could include financial losses, property damage and the impacts on staff. However, awareness of this right is low and evidence suggests police do not always offer this option to victims. ISBs should be offered to the business, as well as Victim Impact Statement (VPS) being offered to the individual affected. This will mean that a named point of contact from the business as well as the individual member of staff involved would be able to access a single point of contact and follow up on the case.

ACS surveyed 1,210 independent retailers in our Voice of Local Shops Survey in February 2019 asking them if they had been offered the chance to provide an Impact Statement for Business. Only 40% of retailers who reported a violent incident to the police were made aware of the option to make an impact statement for business<sup>11</sup>. This demonstrates that

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<sup>10</sup> [ACS Crime Report 2019 – methodology note here](#)

<sup>11</sup> ACS Voice of Local Shops Survey February 2019

there is still more work to do to ensure that ISBs are offered by the police and used by businesses.

We welcome the work that has been undertaken by the Home Office and Ministry of Justice with the support of industry partners to update the guidance for completing ISB<sup>12</sup>. ACS is committed to communicating to retailers the importance of utilising ISBs.

**11. Do you agree that the right to access practical and emotional support for victims should be made clearer in the revised Code, for those victims: a) who do not report incidents to the police? b) who choose to withdraw after reporting an incident to the police? c) at the end of their case? Please give reasons for your response.**

Yes. The most regularly referenced barrier to reporting is the perception of a lack of response or support from the police. It is commonplace for police forces across the country to screen out responses to low level theft, which is the most common trigger for violence.

**12. Do you agree with the proposed changes to eligibility categories for access to specialist support? Please give reasons for your response.**

Yes. Convenience retailers and their staff are often repeatedly targeted by offenders give the public facing nature of their role. Our evidence and evidence the Home Office suggests shopworkers are increasingly vulnerable from violence and abuse and we believe this enable them to qualify for a need's assessment and specialist support.

**15. Do you agree with that PCCs should work with their local criminal justice partners to adapt the victim guidance to explain the local offer for victims? Please give reasons for your response.**

Yes. PCCs have access to a number of tools that can be used to tackle crime and anti-social behaviour.

Victims, including businesses, are able to use the Community Trigger to tackle theft and anti-social behaviour if they are repeatedly victimised. However, low awareness of the trigger and inconsistency in its handling by the relevant authorities have so far prevented this being utilised effectively. We welcome the findings of the Victims Commissioners' recent report, '*Anti-Social Behaviour: Living a Nightmare*'<sup>13</sup>, and the recommendations to seek great awareness of these powers. The Community Trigger should be clearly communicated in local guidance with clear signposting.

PCCs should make better use of their Community Remedy powers to tackle anti-social behaviour, including banning repeat offenders from accessing the business premises, for example, banning offenders from entering shops. PCCs should also work with criminal justice partners to include signposts to local support networks or charities. For example, GroceryAid, the grocery sector's industry charity, provides a range of support services for retailers and store colleagues following traumatic events include violent attacks. GroceryAid have recently launched a new Workplace Critical Incident Support Service<sup>14</sup>, the service is

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<sup>12</sup> [Home Office Guidance; Impact Statements for Business](#)

<sup>13</sup> Victims Commissioner [Anti-Social Behaviour: Living a Nightmare](#)

<sup>14</sup> [GroceryAid Workplace Critical Incident Support](#)

activated when an accident, robbery or assault has occurred in the workplace resulting in a critical incident.

## Annex A

### ABOUT ACS

The Association of Convenience Stores lobbies on behalf of over 46,000 convenience stores across mainland UK on public policy issues that affect their businesses. ACS' membership is comprised of a diverse group of retailers, from small independent family businesses running a single store to large multiple convenience retailers running thousands of stores.

Convenience stores trade in a wide variety of locations, meeting the needs of customers from all backgrounds. These locations range from city centres and high streets, suburban areas such as estates and secondary parades, rural villages and isolated areas, as well as on petrol forecourts and at travel points such as airports and train stations.



### WHO WE REPRESENT

#### INDEPENDENT RETAILERS



ACS represents almost 19,000 independent retailers, polling them quarterly to hear their views and experiences which are used to feed in to Government policy discussions.

These stores are not affiliated to any group, and are often family businesses with low staff and property costs. Independent forecourt operators are included in this category.

#### SYMBOL GROUPS AND FRANCHISES



ACS represents over 14,000 retailers affiliated with symbol groups. Symbol groups like SPAR, Nisa, Costcutter, Londis, Premier and others provide independent retailers with stock agreements, wholesale deliveries, logistical support and marketing benefits.

Symbol group forecourt operators and franchise providers like One Stop are also included in this category.

#### MULTIPLE AND CO-OPERATIVE BUSINESSES



ACS represents over 13,000 stores that are owned by multiple and co-operative retailers. These businesses include the Co-Operative, regional co-operative societies, McColls and others.

Unlike symbol group stores, these stores are owned and run centrally by the business. Forecourt multiples and commission operated stores are included in this category.

### THE CONVENIENCE SECTOR



In 2019, the total value of sales in the convenience sector was £40.3bn.

The average spend in a typical convenience store transaction is £6.38.



There are 46,388 convenience stores in mainland UK. 71% of stores are operated by independent retailers, either unaffiliated or as part of a symbol group.



The convenience sector provides flexible employment for around 405,000 people.

18% of independent/symbol stores employ family members only.



19% of shop owners work more than 70 hours per week, while 17% take no holiday throughout the year.

70% of business owners are first time investors in the sector.



Convenience stores and Post Offices poll as the two services that have the most positive impact on their local area according to consumers and local councillors.

78% of independent/symbol retailers have engaged in some form of community activity over the last year.



Between August 2018 and May 2019, the convenience sector invested over £633m in stores.

The most popular form of investment in stores is refrigeration.

### OUR RESEARCH

ACS polls the views and experiences of the convenience sector regularly to provide up-to-date, robust information on the pressures being faced by retailers of all sizes and ownership types. Our research includes the following regular surveys:

#### ACS VOICE OF LOCAL SHOPS SURVEY

Regular quarterly survey of over 1,200 retailers, split evenly between independent retailers, symbol group retailers and forecourt retailers. The survey consists of tracker questions and a number of questions that differ each time to help inform ACS' policy work.

#### ACS INVESTMENT TRACKER

Regular quarterly survey of over 1,200 independent and symbol retailers which is combined with responses from multiple businesses representing over 3,000 stores.

#### ACS LOCAL SHOP REPORT

Annual survey of around 2,400 independent, symbol and forecourt retailers combined with responses from multiple businesses representing 7,556 stores. The Local Shop Report also draws on data from HIM, IGD, Nielsen and William Reed.

#### BESPOKE POLLING ON POLICY ISSUES

ACS conducts bespoke polling of its members on a range of policy issues, from crime and responsible retailing to low pay and taxation. This polling is conducted with retailers from all areas of the convenience sector.

For more information and data sources, visit [www.acs.org.uk](http://www.acs.org.uk)