**WRITTEN EVIDENCE SUBMISSION: HOME AFFAIRS SELECT COMMITTEE INQUIRY: ABUSE OF SHOPWORKERS**

**Introduction**

1. Thank you for the opportunity to submit evidence to the Home Affairs Select Committee’s inquiry into the abuse of shopworkers.
2. Shopworkers are the heart of our communities. They often work long hours in busy and challenging conditions to ensure that people are able to have access to essential supplies.
3. Throughout the pandemic, shopworkers have been on the frontline and have and continue to tirelessly serve their local communities despite the increased risk of contracting COVID-19. They deserve to work free of abuse and threat.

**Shopworker abuse: the data**

1. National statistics on the incidence of abuse in retail setting against those who work there seem to suggest that this inquiry has come at a vital time for the safety of shopworkers.
2. Interim results from a 2020 survey published by the Union of Shop, Distributive and Allied Workers (USDAW) has so far found that 85.49% of shopworkers surveyed have been abused in 2020, with 56.87% threatened and 16.27% of shopworkers assaulted during their career.[[1]](#footnote-1)
3. The British Retail Consortium’s 2020 Crime Survey[[2]](#footnote-2) found that every day, shopworkers are subject to 424 violent or abusive incidents; 155,000 incidents, in total, each year.
4. The local picture in West Midlands appears to reflect these dispiriting national trends. Locally, the level of abuse against shopworkers in the West Midlands rose by nearly a fifth in 2020. In 2019, there were 781 incidents of abuse reported to the police. In 2020, numbers rose to 934.

**Local and national impact of the pandemic on shopworker abuse**

1. The data above appears to suggest that the Covid-19 pandemic has been a flashpoint for abuse. In practice, this has meant that customers’ frustration with queuing, limits on stock, and mandatory mask wearing are regularly being directed towards shopworkers.
2. As a result, I have received reports that some shops in the West Midlands have even advised staff not to rigidly enforce mask wearing and social distancing rules to protect against abuse. It is clear that retail violence and abuse - and fear of it - has become a business critical topic since the start of the pandemic.
3. The conclusions that can be drawn from this local anecdotal evidence is borne out in further national statistics. 76 per cent of surveyed retail workers respondents to USDAW’s 2020 survey said violence and abuse had become either ‘worse’ or ‘much worse’[[3]](#footnote-3) since March. This is deeply concerning, but is also symptomatic of a climate of fear that has only been exacerbated by the COVID-19 crisis.

**Prioritising resources towards shopworker abuse**

1. As West Midlands Police and Crime Commissioner, while I am not in operational control of our counterpart police force, West Midlands Police, I do set their priorities.
2. At the start of the COVID-19 crisis, I began work to prioritise police resources in response to the local and national upward worrying trends in shopworker abuse.
3. In early April (during the peak of the pandemic’s first wave), myself and my Office acted swiftly to launch an emergency chapter of my Police and Crime Plan[[4]](#footnote-4), which enshrined within it that robust action should be taken against those targeting and intimidating health and retail staff. Through this, I have ensured that prioritising reports of crimes against them should be a top concern for West Midlands Police.
4. Since then, myself and my Deputy, Waheed Saleem, have been proud to actively participate in campaigns by various trades union. The Deputy PCC has taken part in online events for Respect for Shop Workers Week in conjunction with USDAW[[5]](#footnote-5),where shopworkers discussed their experiences being victims of violence, abuse and crime. At that event, the Deputy PCC issued a fresh warning that there is zero tolerance for shopworker abuse. The British Independent Retail Association (BIRA) has supported us in our zero-tolerance approach.
5. While I have worked to make provision in the West Midlands Police and Crime Plan to prioritise police resources, this can only go so far. With this in mind, I was disappointed at the Government’s response to its Call for Evidence[[6]](#footnote-6)  on violence and abuse towards shop staff, and would argue that its response does not go far enough to address this issue.
6. Responding to their Call for Evidence, the Government suggests that

“[r]eporting levels [of abuse by retailers] are low and it may be that local prioritisation does not reflect the level of local need sufficiently.”[[7]](#footnote-7)

1. The Government’s conclusion is one which ignores increased pressures on police; nationally, police officer numbers have seen a 20% real terms cut since 2010, with West Midlands Police officer numbers nearly 2000 police officers lower than they were in 2010. These pressures mean that the impact our prioritisation has on the confidence retailers have to report abuse can only go so far. The assertion in the Government’s response to their Call for Evidence that police do not understand local need is unhelpful and doesn’t reflect the whole picture. **In our view, however, the response was a missed opportunity to go further. The Home Office must urgently provide dedicated central funding for this issue.**
2. I do however welcome the Police Uplift Programme, which commits to funding for 20,000 new police officers by 2023. It will make a real difference to the police response.

**The necessity of an aggravated offence**

1. I was also pleased to see renewed fervour from Westminster for national policy and legislative change in this area, most recently in the form of Alex Norris’ Assaults of Retail Workers (Offences) Bill[[8]](#footnote-8) in the House of Commons, which has secured cross-party support.
2. The Bill makes an offence of malicious wounding, ABH, GBH, or common assault aggravated when perpetuated against a shopworker during the course of their employment. It ensures that the fact that an offence was committed against a shopworker is treated as an aggravating factor during sentencing, which increases the seriousness of the offence and, ultimately, the sentence length (possibly within the maximum allowed for the particular offence committed).
3. **We would wholeheartedly support the creation of an aggravated offence.** Such an offence would create an important deterrent against abuse, sending a clear message to offenders that it will not be tolerated.
4. If shopworkers are being asked to take on specific and extra obligations (such as enforcing mask wearing and social distancing within stores), they must be afforded extra legislative protection to ensure they can do so without a real and constant fear of assault.
5. I regret that progress on a legislative solution has been hampered due to lack of political will, when the protections the Bill make provision for largely mirror those already in law protecting emergency workers.[[9]](#footnote-9) It is difficult to see why legislative change to institute similar protections for shopworkers – who are also key workers in a public-facing role susceptible to abuse - is so difficult to obtain.
6. Alex Norris’ Bill has now been delayed until further notice due to lack of Parliamentary time, following objections to it in the Government when it was first introduced in March 2020.
7. The message this sends about the importance of this issue to the Government is a dispiriting one; shopworker abuse has been deprioritised time and time again by the Government. It is surely time that shopworkers, who have been, and continue to be, on the frontline in the COVID-19 crisis are afforded similar enhanced protection.
8. An aggravated offence is a vital tool to tackle shopworker abuse, but this is only one aspect of the policy response. Legislation is part of the solution, but it is not a silver bullet. Violence and abuse in these space does not exist in a vacuum, and any serious response to abuse of shopworkers cannot be considered in isolation from its drivers. Be they addictions, substance abuse, or mental health in offenders, steps must be taken in tandem with enhanced legislative protections to address the root causes of offending.

**The case for rehabilitative and preventative approaches**

1. However, an aggravated offence, without analysis and work targeted at the drivers of abuse in offenders themselves, can only go so far in tackling abuse of shopworkers.
2. The Co-op’s commissioned investigative report ‘It’s Not Part of The Job’[[10]](#footnote-10) observed a strong relationship between substance misuse and the use of violence and aggression by drug-affected offenders. They estimate that 70% of shop theft is committed by frequent users of Class A drugs.
3. While highlighting the zero-tolerance approach to abuse through an appropriate aggravated offence, the demonstrable link between violence against shopworkers and the social and health determinants of abuse in the lives of offenders *themselves* cannot be ignored. The evidence here therefore demonstrates the strong case for a prevention-led approach that tackles the drivers of abuse against shopworkers within offenders themselves.
4. I have been proud to support and fund the Offender2Rehab programme. This programme - launched in the Erdington area of Birmingham – is an initiative run by a West Midlands Police officer. Its intense focus on acting as a preventative measure is a key strategic priority, as covered in my Police and Crime Plan’s target to reduce harm from crime.
5. The programme’s strategic aims are to:

* Reduce reoffending, by addressing long-term drug addiction and causal factors in prolific offenders against businesses (therefore removing the cause of their offending);
* Reduce high volume crime and harm caused to business staff.
* Improve lives by giving offenders the means to turn their lives around.
* Building trust and confidence by using effective responses to and management of prolific offenders, resulting in greater satisfaction with police services.

1. Offender2Rehab is proving to be effective in successfully rehabilitating prolific offenders with a prolonged and very high levels of drug addiction (who are committing retail crime to fund and as a result of their habit) and therefore reducing crime and harm caused to business staff.
2. So far, the programme estimates savings in retail crime in the region of £1,000,000 in the Birmingham East NPU area, which has prevented £350,000 being spent on drugs. As well as these tangible benefits, any aggression and violence used by offenders against shopworkers (which cannot be quantified so easily as cost of goods) have been accordingly prevented. The programme’s potential to form part of a wider solution to violence to business staff cannot therefore be underestimated.
3. The case for these programmes is only made stronger on consideration of the alternatives. Reoffending rates on release (especially for female offenders[[11]](#footnote-11)) make clear that short sentences are manifestly ineffective at addressing the root causes of offending.
4. Short sentences can result in offenders abruptly losing access to the drug and alcohol support services and treatment they receive in prison. On release, this provides fertile ground for relapse into crime and addiction, and further violence and abuse towards shopworkers.
5. **I have also made countless representations to Government to increase the proportion of proceeds of crime returned to us through the Asset Recovery Incentivisation Scheme (ARIS), so that my Office can continue to support other drug treatment programmes which act on the same drivers of crime as the Offender2Rehab programme.**
6. Currently, Police and Crime Commissioners are allocated 18.5% of the proportion of proceeds of crime from confiscation orders, and 50% of money recovered from cash seizures. **Pilots for these schemes could be partly funded by temporarily increasing the proportion of money police get under the Proceeds of Crime Act (POCA).**
7. Our Heroin Assisted Treatment (HAT) drug treatment programme acts on tackling the drug habit so that the impact on communities through the acquisitive crime often use to fund drug use, and abuse of shopworkers, is substantially reduced. The Advisory Council on the Misuse of Drugs has called for the HAT programme to be funded by the Government.[[12]](#footnote-12)
8. ***The Home Office must seriously look at the evidence. Providing drug treatment to repeat offenders is to help the communities harmed as a result their activities, and these factors cannot be decoupled from one another.***
9. ***The department must make more central funding available for innovative, community-based initiatives approaches centred on rehabilitation, prevention, and focused on address the underlying issues and drivers of abuse in individual offenders. They must also increase the proportion of POCA returns allocated to PCCs, so that they can fund pilots of prevention programmes which help break the cycle of crime.***

1. USDAW, ‘Three-quarters of retail staff say abuse has been worse during the pandemic - Usdaw launches Respect for Shopworkers Week’ (2020)<<https://www.usdaw.org.uk/About-Us/News/2020/Nov/Threequarters-of-retail-staff-say-abuse-has-been-w>> [↑](#footnote-ref-1)
2. British Retail Consortium, ‘2020 Crime Survey’ (2020) < <https://brc.org.uk/news/corporate-affairs/violence-and-abuse-against-shop-workers-spirals/>> [↑](#footnote-ref-2)
3. # USDAW, ‘Three-quarters of retail staff say abuse has been worse during the pandemic - Usdaw launches Respect for Shopworkers Week’ (2020) <<https://www.usdaw.org.uk/About-Us/News/2020/Nov/Threequarters-of-retail-staff-say-abuse-has-been-w>>

   [↑](#footnote-ref-3)
4. USDAW, ‘[West Midlands PCC prioritising abuse against shopworkers is welcomed by USDAW](https://www.usdaw.org.uk/About-Us/News/2020/Apr/West-Midlands-PCC-prioritising-abuse-against-shopw)’ (08 April 2020) [↑](#footnote-ref-4)
5. West Midlands Police and Crime Commissioner, ‘Fresh Warning to Those who Abuse Shopworkers’ (20 November 2020) < <https://www.westmidlands-pcc.gov.uk/fresh-warning-to-those-who-abuse-shopworkers/>> [↑](#footnote-ref-5)
6. HM Government, ‘Violence and Assaults Against Shopworkers: Call for Evidence’ (April 2019) < <https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/903433/260620_Violence_and_assaults_against_shopworkers__Publication_of_Call_for_Evidence_Response.pdf>> [↑](#footnote-ref-6)
7. HM Government, ‘Violence and Assaults Against Shopworkers: Call for Evidence Response’ (July 2020) <<https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/903433/260620_Violence_and_assaults_against_shopworkers_-_Publication_of_Call_for_Evidence_Response.pdf>> [↑](#footnote-ref-7)
8. *Assaults of Retail Workers (Offences) Bill* 112, 2019-21 <https://publications.parliament.uk/pa/bills/cbill/58-01/0112/200112.pdf> [↑](#footnote-ref-8)
9. This is in reference to the Assaults on Emergency Workers (Offences) Act 2018 <<https://www.legislation.gov.uk/ukpga/2018/23/contents/enacted> > [↑](#footnote-ref-9)
10. Co-op, ‘‘It’s not part of the job’: Violence and verbal abuse towards shop workers A review of evidence and policy’ (2019) <<https://assets.ctfassets.net/5ywmq66472jr/22QfMejeWYbimJ9ykX9W9h/0e99f15c0ed24c16ab74d38b42d5129a/It_s_not_part_of_the_job_report.pdf> > [↑](#footnote-ref-10)
11. Ministry of Justice, ‘Female Offender Strategy’ (2018) <https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/719819/female-offender-strategy.pdf> [↑](#footnote-ref-11)
12. Advisory Council on the Misuse of Drugs (2016), Reducing Opioid-Related Deaths in the UK <https://assets.publishing.service.gov.uk/government/uploads/ system/uploads/attachment\_data/file/576560/ACMD-Drug-Related-Deaths-Report-161212.pdf> [↑](#footnote-ref-12)