

Putting Victims of Retail Crime First through Restorative Justice

An interim evaluation report

Trevor Watson
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Putting Victims of Retail Crime First through Restorative Justice
An interim evaluation report for period October 2022 - March 2023
By Trevor Watson

For the attention of: National Retail Crime Steering Group

Executive Summary

This interim evaluation is based upon Phase 1 of an 18-month project to support the victims of crime through Restorative Justice. The initial phase has been supported by Home Office funding.

The project is based in Torquay town centre and has been project managed by Why me?, an independent charity which promotes access to Restorative Justice. Devon & Cornwall Police and the charity Make Amends have been key project partners.

Key points

The project has identified that retail staff in Torquay have expressed feelings of anger, frustration, depression, worry and individual and family stress. Additionally, there were low levels of confidence in the local police. This is in line with the latest national indications from the Retail Business Crime Survey 2022.

Why me? identified that in addition to the direct harm caused by people who commit retail crime e.g. assaults, abuse, sickness, stress and financial loss, there were also significant issues relating to indirect harm caused by the processes involved in dealing with crime and incidents e.g. frustration at the inadequate process of reporting crime via the police 101 system and slow follow up by police to incidents.

Strategic shortcomings were also identified e.g. a lack of awareness of recent legislative changes to support shop victims and missed opportunities to access available resources.

Using a restorative approach, Why me? held workshops to raise the awareness of the opportunity for Restorative Justice amongst retailers and have also designed and distributed posters and leaflets. Greater awareness for the police and local authority of the realities for retail staff has been achieved and improved processes put in place for Phase 2 & 3 of the project. Other PCC areas nationally would benefit from the learning from this part of the project.

In March 2023, towards the end of Phase 1, a major Police Initiative has been implemented in Torquay, #OpLoki, using the Safer Streets Fund. Improvements in the relationship between the police and retailers is evident and a series of actions have been agreed which will further support this. It is considered to be critical that local leadership continues to fully support the project in the next 12 months to build upon this foundation for the benefit of retail victims.

Introduction

This is an interim evaluation report of Phase 1 of the project “Putting the Victims of Retail Crime first through Restorative Justice.”

The project is a ground-breaking, victim-centred restorative retail project. It has taken place within the Torquay town centre with a view to rolling out good practice and learning nationally through the National Retail Crime Steering Group. *Why me?*¹ have been contracted to provide project management and delivery. A key partner has been Make Amends, a local charity which provides Restorative Justice services.

The project is a three phase 18-month project with the first phase part funded by the Home Office who agreed that people affected by retail crime are not getting their voices heard. They invested in this project to ensure that was rectified. It is supported by the Devon & Cornwall PCC and retailers throughout its lifespan.



Project Phases

Phase 1

- Setting the Scene - Evidence gathering and informing retailers
- Analysis and Planning - Identifying process improvements and engaging senior leaders

Phase 2

- Increase Police Restorative Justice Activity

¹ Why me? is the only national charity fighting for victims of crime to have access to Restorative Justice. The charity develops policy and practice to demonstrate how Restorative Justice supports individuals and communities to live safely and productively. Why me? raises the profile of Restorative Justice by working with people affected by crime, who tell their stories and lobby to change hearts and minds. Why me? also runs a national service for anyone affected by crime who cannot get access to Restorative Justice in their area. The victim’s wishes, safety and wellbeing come first in our service.

Phase 3

- Deliver Local Sustainability and National Cascade of guidance for retailers and police

This interim evaluation report has examined the activities within the first phase only and is intended to highlight issues from the initial set up and to steer the direction of the project in the remaining 12 months.



Torquay Town Centre

Project Purpose

This project pilots the use of Restorative Justice to address conflict and harm experienced by the forgotten victims of retail crime. Restorative Justice is not currently used routinely in retail settings because:

- Nationally Police Officers are often unclear about how to deploy a restorative, victim-led response
- There is a lack of knowledge by retail victims and managers about restorative justice and how to access it
- For all parties generally there are a lack of well-established referral routes.

However, there is a strong body of evidence indicating how Restorative Justice can support victims whilst also supporting a reduction in reoffending and make our streets and shops safer places to be. A recent economic evaluation by Why me? showed that £14 are saved for every £1 that is spent on Restorative Justice.

Data published by the British Retail Consortium in March 2023 identifies concerning realities for the victims of retail crime, in particular violence and abuse towards them.

Violence and abuse against people working in retail has almost doubled on pre-pandemic levels. The latest figures from the [British Retail Consortium's \(BRC\) Crime Survey](#) reveals that racial and sexual abuse, physical assault, and threats with weapons, rose from the pre-Covid high of over 450 per day in 2019/20, to over 850 per day in 2021/22.

In 2022, following an extensive campaign, the BRC and others were successful in securing an amendment to the Police, Crime, Sentencing and Courts Act. Section 156 of the Police, Crime, Sentencing and Courts Act 2022 now creates a statutory aggravating factor which must be considered by the courts when an assault offence has been committed against those who provide a public service, perform a public

duty, or provide a service to the public. This now includes shop workers, however, there is no data available to show if this amendment is being used.

The disturbing scale of violence and abuse faced by retail workers led, in 2022, to 100 retail CEOs writing to all Police and Crime Commissioners in England and Wales, calling on them to commit to making retail crime a priority in local policing strategies.

The 2022 British Retail Consortium Crime Survey also indicated a breakdown in retailers' confidence in current police activities.

"A perceived lack of police response to low-level theft, the perception by some that shop theft is not criminal activity and even the lack of police response to crime of violence associated with theft (our survey shows crimes of abuse and violence are only prosecuted 6% of the time) might encourage criminals to turn to shop-lifting as easy pickings. It has also led retailers not reporting crime, believing it is a waste of time as the evidence may not be sufficient by the time the police arrive."

Helen Dickinson, Chief Executive of the British Retail Consortium, said:

"The pandemic has normalised appalling levels of violent and abusive behaviour against retail workers. While a confrontation may be over in minutes, for many victims, their families and colleagues, the physical and emotional impact can last a lifetime. To make the UK a safer place to work the Home Office must improve its reporting around the amendment to the Police, Crime, Sentencing and Courts Act, and the police must prioritise adequately resourcing retail crime. Surely everyone deserves the right to go to work without fear."

Why me? are aware there is a welcome focus of police attention on people who commit retail crime through behaviour programmes, however, few positive steps are being taken to support retail victims to cope and recover from the impact of crime. Restorative Justice approaches have the potential to change this and, at the same time, to reduce recidivism.²

² <https://restorativejustice.org.uk/resources/moj-evaluation-restorative-justice>

Restorative Justice – application and benefits

Restorative Justice brings those harmed by crime or conflict and those responsible for the harm into communication, enabling everyone affected by a particular incident to play a part in repairing the harm and finding a positive way forward. This is part of a wider field called restorative practice.

Restorative practice can be used in many different settings to prevent conflict, build relationships and repair harm by enabling people to communicate effectively and positively. This is particularly relevant to this project where, as shown above, there are low confidence levels in the police response to retail crime. It is a misconception that restorative processes simply work between harmer and harmed person. In reality a discussion with a victim can identify 'harm' caused by other people who are indirectly 'involved' in the incident. These could include managers/supervisors, colleagues, police, courts, and even family. Restorative practice allows everyone involved to have a voice, be given a chance to speak and be heard, have needs identified and agree actions based on those needs.

Many victims feel that the Criminal Justice System does not give them a chance to get involved. Restorative Justice puts them at the heart of the justice process – it gives them a chance to ask the person who committed the crime questions and talk about the impact of the crime on them, their families and their communities. Government research demonstrates that 85% of victims who take part in restorative justice find the process helpful. For many, meeting the person who has harmed them can be a huge step in moving forward in recovering from the crime.

Interim evaluation of Torquay Project

Phase 1 - Setting the Scene

The initial work, "Setting the Scene", involved gathering information and informing retailers and key stakeholders of the project aims. Key stakeholders included the following:

- Town Centre Retailers
- Police
- Local Authority
- Chamber of Commerce
- Make Amends Charity

Why me? arranged a stakeholder workshop – held in Torquay on 7th December using a World Café style delivery model to explore the realities for staff working in this area. The workshop was run by the Why me? Project Manager.



Why me?'s Stakeholder Workshop

Key outcomes included the following:

What was felt about Torquay town?

- Torquay is dying/unsafe/loss of footfall
- Disconnect between authorities and the general public.
- Majority feel let down by the actions of the minority
- System failure for all parties
- Sense of desperation - people starting to get hurt
- Professional shoplifters/organised
- People losing respect

What they would like done

- We need to work together
- Contacts know who is available to help
- More police
- Preventative work earlier on
- Prolific shoplifters to be stopped

What they felt personally

- Angry, frustrated, depressed, shocked, anxious and scared
- Taking problems home, stress on family life
- Worried for staff, business and for home
- No respect for each other
- Anger
- Fear, overworked, vicious cycle
- Worried, concerned, unsafe
- Fed up
- Numb, normalised
- On edge

It is noteworthy that retailers at the workshop were highly positive and complimentary about their experience of the town centre Neighbourhood Police Team with whom they clearly have a positive relationship.

The Why me? project team carried out a retail shop survey to establish additional information relating to confidence in the support provided to retail staff and issues of concern.

75% of survey respondents rated Police response to retail crime as “Very poor” or “Poor”

Comments from the survey included: *“Shoplifting has become a free for all”, “No real consequences or deterrent”, “Many incidents not reported because of time consuming process to log with 101”, “It leaves us very disheartened”, “Makes me very anxious and I am always on tenterhooks at work and I suspect everyone!”*, *“Staff and customers feel unsafe”, “Worry, scared to work, dread the door opening”*.

Using the above information and through discussions locally Why me? identified the following shops to work with closely throughout the life of the project: Boots, Co-op, Tesco , Hoopers Department Store, E cig city and Deichman.

Two video testimonies were obtained from Hoopers Department Store and Co-op store. These provide evidence of a concerning experience for staff.



Phase 1 - Analysis and Planning - Identifying process improvements and engaging Senior Leaders

Why me? identified that within the Torquay retail sector there was direct and indirect harm caused to staff as a result of people committing crime within stores. Examples of direct harm to shop staff included:

- A store security officer who was verbally abused and spat at, reported sick the next day and left the store without any security cover during absence.
- A staff owner who was racially abused and physically assaulted took leave for 2 weeks and was reporting stress and emotional upset.
- Steaming Offences where organised gangs with weapons threaten staff and take significant quantities of high value goods.

The following are examples of the indirect harm caused by the processes involved in dealing with crime and incidents:

- A shop policy requires staff to report all shoplifting offences internally before informing police via 101 – both viewed as time consuming and requiring staff to complete these at end of shift in their own time.
- Following organised gangs ‘steaming’ a department store the shop sought to make changes to design out the opportunity for the crime by placing high value perfumes behind glass. A high profile perfume manufacturer has however insisted this is not done for their product which remains accessible for future thefts.
- The Police 101 reporting process was universally identified as unfit for purpose and requiring significant waiting time to complete and causing significant frustration. This has led to different perspectives on the actual level of crime. A ‘WhatsApp’ group was established involving the Chamber of Commerce to seek to record the ‘actual’ crime levels.
- Following a risk assessment, staff in a store had been provided with personal body cameras. However, the late closing of the store at 11pm meant that regular problems occurred due to the store being almost the last place in the town to shut.
- A shop manager reported having been contacted by police regarding an offence which occurred in June 2022 asking about access to shop video which was now not available.
- Following an incident in a shop where a female staff member was racially abused and assaulted, the store called 999 whilst the offender was in store – the police did not respond until the next day.



Chair of the Chamber of Commerce with WhatsApp List

Why me? also identified issues at the strategic level.

In discussions it was noted that there was limited knowledge of the most recent legislative amendment, providing an aggravating factor for assaults upon shop staff for courts to consider when sentencing in Section 156 of the Police, Crime, Sentencing and Courts Act 2022. Additionally, it was noted that the National Business Crime Centre website did not provide any information regarding Restorative Justice. Guidance was provided in regard to the completion of a Business Impact Statement but not a Victim Impact Statement.

It was considered that these issues could be significant barriers to accessing the Restorative Justice support available to staff who, as victims, should be made aware of this opportunity.

There also appeared to be missed opportunities for shops to access available resources:

- Shopkind, a HO supported campaign to support retail staff was not evident in any of the shops visited despite the initiative being supported by companies including Boots, Co-op, Tesco.
- The DISC system - had been promoted by the police to 1 shop but there was little awareness of what was required and what benefits it offered.

In recognition that a restorative approach should acknowledge the overall harm experienced by victims, Why me? arranged for two additional workshops.

A retailer workshop was held on 7th February and the content focused upon raising the awareness of staff to the opportunity for restorative support and highlighted the referral process. Shop posters and leaflets, designed by Why me?, and aimed at improving awareness of Restorative Justice and victim rights were distributed.

A stakeholder workshop was also held on 8th February and the content focused upon raising the awareness of police and local authority staff to the concerns of the retail staff. An outcome achieved at the workshop was the designation of a Torquay town centre Neighbourhood Officer to act as a Restorative Justice Champion.

Subsequent to the workshops a number of actions have been put in place as process improvements to the retail sector including:

- Additional distribution of posters and leaflets to the retail sector promoting Restorative Justice
- Retail staff briefings in store from Restorative Justice practitioner (Boots)
- Introduction of 3 person referral process for Restorative Justice (via the Local Authority)
- Proactive process for contacting retailers via Restorative Justice Coordinator/Make Amends

Engagement with senior leadership, particularly the police, has also been undertaken. Particularly noteworthy has been the commencement on 20th March of a major Policing Operation, #OpLoki, which features targeted Neighbourhood Policing in Torquay Town Centre using funding from the Home Office Safer Streets Fund.



Officers as part of #OpLoki

Acting Chief Superintendent Ed Wright had the following to say *“Our Torquay neighbourhood teams will be visible in key areas around the town centre with an increased officer presence every day, in addition to our usual operations and patrols. Valuable feedback and reports from residents and businesses have informed the planning of our policing response.”* The initiative has been promoted to all Torquay retailers by a personal visit and is supported by a survey to gauge opinions and views to inform future planning.

It was also particularly pleasing to see the #OpLoki initiative fully embracing the principle of viewing the staff of the shops in Torquay as potential victims and the police have put in place actions which should have longer term benefits:

- Victim Personal Statements & Business Impact Statements are being reviewed with the intention to uplift their use, monitoring their impact
- ShopKind initiative promoted to Tesco, Boots and Co-op for support in relaunch of initiative on 17th April
- A Retail Crime action plan to be considered (based upon shop theft being the only area of acquisitive crime to increase in Torquay area within last strategic assessment)
- Safer Business Action Day to be considered for Torquay with National Business Crime Centre (NBCC).
- Review of PCC-led Sussex approach to Retail Crime to identify good practice
- Intelligence sharing re Organised 'Steaming' Gangs operating within Torquay
- NBCC to include on their web site information relating to Restorative Justice and Victim Impact Statements (Appendix 1)

Case work

At the time of the interim evaluation case work relating to retail thefts had commenced and the new processes to identify and take proactive measures to identify case work was also evident. It was too early to draw any conclusions upon the outputs and outcomes of this work.

In Torquay it was identified that there were well established referral routes for Restorative Justice within the police, including, but not limited to, Pathfinder, via the Victim Care Unit and Witness Care Unit, in addition to Community Resolutions and other Out of Court Disposals. It was noted, however, that these referral routes were not being used routinely and that Restorative Justice is often misunderstood.

Phase 2 & 3 - Future Monitoring Arrangements

An agreed set of performance indicators focusing upon the inputs, outputs and outcomes relating to Restorative Justice processes has been agreed between Why me? and Make Amends. (Appendix 2)

Why me? will support the project through a 'light touch' monitoring role and will identify learning and good practice. NBCC have responded quickly to the suggestion that Restorative Justice guidance is provided via the website and this should be live at the time the report is published. (Appendix 1)

Conclusions

The original project proposal was that the victims of crime in the retail sector would benefit from consideration of a restorative approach and recognition that they were subjected to harm from the commission of crimes.

This initial 6 months set up of the project has identified, and supports, the data from the national retail crime survey that there are significant issues facing retail staff.

Through taking a restorative approach, Why me? have identified examples of direct harm caused by people who commit crime and have also identified a range of indirect harms experienced by staff. Through raising these with the relevant stakeholders it has been pleasing to report a range of actions which will address some of these indirect harms.

Processes have now been established to significantly improve accessibility to restorative processes for victims in the retail sector and monitoring arrangements are in place to learn lessons from these processes.

It is considered essential for the success of the initiative that local leadership continues to fully support the project and work together with key stakeholders to build upon this foundation.

Why me?'s role as external critical friend and Restorative Justice specialist has led to concrete progress in Torquay. Further progress would be helped by Why me?'s continued involvement, if funds are made available.

"Why me? have been an excellent catalyst for change and improvement" says Susie Colley, Chair of Torquay Chamber of Commerce. "It is hoped that the most recent changes continue and we develop a sustainable improvement plan."

Appendix 1

Restorative Justice



Business crime is not a victimless crime. Restorative Justice could be a suitable and beneficial route to explore if you are a victim.

What is Restorative Justice?

Restorative justice brings those harmed by crime or conflict and those responsible for the harm into communication, enabling everyone affected by a particular incident to play a part in repairing the harm and finding a positive way forward.

Restorative justice gives victims the chance to meet or communicate with their offender to explain the impact of the crime, empowering victims by giving them a voice. It also holds offenders to account for what they have done, helping them take responsibility and make amends.

What does it look like?

Restorative justice often involves a conference, where a victim meets the offender face to face. You will be supported by a trained facilitator throughout the process and will not meet the offender alone. Sometimes, when a face to face meeting is not the best way forward, the victim and offender will communicate via letters, recorded interviews or video instead. Depending upon the circumstances someone may attend the meeting to represent you.

What are the benefits?

Many victims, including victims of retail crimes, feel that the criminal justice system does not give them a chance to get involved. Restorative justice puts victims at the heart of the justice process – giving victims a chance to ask the offender any questions and get anything that they want to say about the impact of the crime off their chest. Government research demonstrates that 85% of victims who take part in restorative justice find the process helpful. For many victims meeting the person who has harmed them can be a huge step in moving forward in recovering from the crime. Restorative justice also helps to cut crime - research shows that it reduces reoffending by 14%. More information on the benefits for the retail sector can be found via the [Why me? charity web site](#).

What if I change my mind?

The trained facilitator will ensure everyone's expectations are managed from start to finish. The process is completely voluntary for all involved, so either victim or offender can change their mind at any point of the process, but we will ensure that everyone involved is prepared as much as possible, should this happen."

How to access Restorative Justice

Depending on what is available where you live, you may be able to access restorative justice by asking your victim liaison officer or witness care officer, if you have one. In England and Wales, you will have a local Police and Crime Commissioner, who may be able to help you get in touch with your nearest restorative justice service provider. [Find your local PCC contact](#).



Appendix 2

Inputs

Referrals

Number of direct Police referrals
Number of direct Retailer referrals
Number of 3rd person referrals

Victims offered support

Number of e mails
Number of telephone offers
Number of letter offer
Number of text offers

Outputs (these will represent the exit point of support)

Support provided by:

E mails
Phone call
Text
Letter
Assessment by practitioner
Indirect Restorative Justice process
Direct Restorative Justice Process

Outcomes

Satisfaction with Process
Change in cope and recovery indicators

Learning Points

Consideration will also be given to repeating the retail sector survey or to use the outcomes of the survey planned and coordinated by the Police.