



VIOLENCE AND ABUSE TOWARD SHOP STAFF

USDAW RESPONSE TO THE HOME OFFICE CALL FOR EVIDENCE

JUNE 2019

Introduction

Usdaw is the UK's fifth largest trade union with 413,000 members. Usdaw members work in sectors such as retail, distribution, road transport, food manufacturing and the dairy industry.

Usdaw's Freedom From Fear Campaign has been running for over 15 years. The Freedom From Fear Campaign seeks to highlight the abuse that workers suffer whilst simply going about their jobs. The campaign aims to tackle the idea that 'abuse is part of the job' and promote practical ways to prevent abuse.

A key part of the campaign politically has been a new law protecting workers that would create a specific offence, with serious penalties, relating to assault on people whose work brings them into face-to-face contact with members of the public. This would make it a specific and easily understood criminal offence to assault any such worker.

Background

Over the past couple of years, our Freedom From Fear annual survey showed that threats, abuse and violence against shopworkers continue to be a widespread and an increasing issue for retail workers. Since 2015, we have seen the number of workers experiencing verbal abuse increase from just over half to around two-thirds, whilst the number threatened during the course of their duties increased by around a third. Overall trends show increases in abuse, threats and violence which cannot be ignored.

This picture of unacceptably high levels of violence and abuse towards shopworkers is supported by data from the British Retail Consortium's Retail Crime Survey and the Association of Convenience Stores recent studies on this issue.

Usdaw believes that workers whose job means that they interact with the public directly need specific legal protections from abuse and violence whilst carrying out their jobs. In particular, workers whose job requires them to enforce the law, for example retail workers enforcing age-restrictions on certain products. There is a clear duty for Parliament to provide protection to people going about their working lives, especially when Parliament is putting additional duties upon them.

During the passage of the Offensive Weapons Act through Parliament, we called for it to include additional protections for shopworkers. Usdaw supports the aims of the Act to strengthen the law around the sales of corrosives, acids and knives to keep dangerous items off the streets and out of our communities, but we believed that it would be more successful in achieving those aims if it specifically included extra protections for shopworkers having to enforce those new restrictions, especially as age-related sales are a proven trigger for violence and abuse towards our members and other shopworkers.

We presented evidence to the Public Bill Committee considering the Offensive Weapons Bill over the summer, and this was then followed up by a formal written submission. This submission identified three areas in the Bill which could be strengthened through amendments:

1. Make it an offence to attempt to purchase corrosive substances and knives under-age.
2. Make it a specific offence to intimidate or assault a worker enforcing the age restrictions covered in this Bill.
3. Make it a specific offence to intimidate or assault a worker enforcing age restrictions in relation to any sale.

During the progress of the Act through Parliament, Usdaw supported David Hanson MP in the House of Commons and Lord Kennedy of Southwark in the House of Lords in bringing forward amendments, supported by the Co-op Group, the Co-operative Party, the British Retail Consortium, the National Federation of Retail Newsagents and the Association of Convenience Stores, which would have seen the Act provide additional protections for those retail workers tasked with enforcing its provisions.

'Offence of obstructing a seller in the exercise of their duties

- (1) A person ('the purchaser') commits an offence if they intentionally obstruct a person ('the seller') in the exercise of their duties under Section 1 of this Act and under Section 141A of the Criminal Justice Act 1988 (sale of bladed articles to persons under 18)'.
(2) In this section, 'intentionally obstruct' includes, but is not limited to, a person acting in a threatening manner.
(3) A person guilty of an offence under subsection (1) 'is liable on summary conviction to a fine not exceeding level 4 on the standard scale'.

Ushaw also met with the Ministers responsible in the Commons and the Lords to discuss the issue of violence and abuse facing our members and to look at practical measures to combat it.

Summary of Our Response to the Call for Evidence

Usdaw has encouraged our members to engage with the Call for Evidence as we believe that their real life experiences are crucial to understanding the issue of violence and abuse that they face in their working lives.

In addition to signposting our members to the website for the Call for Evidence, we also asked members to complete a shortened version of the Call for Evidence survey which consisted of the questions most relevant to retail workers directly, the results of which form the basis of this response and are also included in full separately. Usdaw received 3,273 responses to our survey. We believe that producing and distributing this shortened version of the Call for Evidence was essential given that it was a somewhat inaccessible mix of questions aimed at organisations, employers and workers.

The results from our consultation with our members are set out in detail below, but an overview of the results clearly shows abuse and violence during the course of their work is a serious and persistent problem for retail workers. 62% reported having been the victim of verbal or physical abuse with a staggering 80% reporting that they believe abuse and violence has increased in recent years. This is clearly an unacceptable situation and requires meaningful action to be taken to tackle it.

Responses also identified apathy as a serious factor affecting the ability to effectively deal with the issue. 31% of respondents said that they did not report the incident to management in their stores. The most common theme amongst the reasons given for this were variants of 'there's no point' and 'nothing gets done'. 40% of those who did report said they were dissatisfied with the manager's response typically because they were told it was part of the job or they felt the manager took a 'customer is always right' approach. This is indicative of an endemic, widespread attitude that abuse of retail workers is not serious and clearly creates a vicious cycle which is counterproductive to the aims of having incidents reported and effectively dealt with.

Only 34% of victims responded saying that they had reported the incident to the police. Of the 66% who did not report, the most common theme was that they did not think it was a police matter. This perception is part of the attitude mentioned above which minimises the seriousness of abuse experienced by retail workers.

Other reasons were that they did not think the police would do anything; that management said they would deal with the matter, and that they were aware of the limitations on police resources.

There is a clear, corroborative link between the responses received as part of the work we have conducted on the Call for Evidence and the results of our annual Survey of Violence and Abuse Against Retail Staff.

The annual survey has been carried out predominantly through face-to-face interviews since 2007, with over 6,500 responses received to last year's survey.

The headline results from our 2018 Survey of Violence and Abuse Against Shopworkers showed:

- More than 6 in 10 retail workers experienced verbal abuse.
- 40% were threatened by a customer.
- Over 288 were assaulted every day.

The headline figures from our annual survey showing 64% experiencing verbal abuse, 40% threatened, and 12% having been physically assaulted during their working lives fits closely with the result of 62% who reported being the victims of abuse or violence during the more recent survey done as part of the work on the Call for Evidence.

The close alignment of the results from the shortened version of the Call for Evidence and the results from our annual survey indicates a strong level of consistency regarding the experiences our members on the frontline of retail.

We recognise that there are good examples of efforts being taken to improve the situation in a number of areas across the country, as outlined in the detailed responses to the individual questions below. However the scale of the problem means that there needs to be a joined up, nationally led, consistent response applied.

In the context of the high, and increasing, level of violence and abuse experienced by retail workers, we believe that serious action needs to be taken. Our evidence shows that the violence and abuse that retail workers face is persistent, perennial and compounded by an attitude that it is actually not that serious and that it constitutes a part of the job that should be expected and accepted. Because of this, we firmly believe that all options need to be explored to tackle this serious issue including legislative ones. Specifically, we continue to believe that only a specific offence of assaulting a public facing worker in the course of their duties will have the required effect in terms of improving the attitude towards the seriousness of the offence and as a deterrent to those who see retail workers as an easy target.

Detailed Responses to Specific Call for Evidence Questions

Answers to these questions are based on the responses we received to our shortened version of the Home Office Call for Evidence with corroborating data from our annual face-to-face survey we have carried out with shopworkers since 2007.

Q: In your opinion, has the issue of violence and abuse toward shop staff increased in recent years?

Please say why you think violence and abuse toward shop staff has increased in recent years.

There can be no doubt that the level of violence and abuse has increased in recent years. As we reported in the analysis of our 2018 survey, which was based on face-to-face interviews with 6,725 shop workers, over the previous 10 years, the results had been remarkably consistent. Typically between 50-60% of workers reported at least one incident of verbal abuse in the last 12 months and 30-35% reported at least one incident of threat of physical violence in the last year. If there was any trend it was toward a slight decline in reports of abuse and threats. However, in 2017 we found a disturbing and significant increase in both abuse and threats. 66% reported verbal abuse and the proportion reporting threats of physical violence shot up to 42%. The levels of abuse and threat have stayed at this heightened level in 2018 with 64% reporting verbal abuse at least once in the last year and 40% threats of physical violence.

The responses to our shortened version of the Call for Evidence confirmed this experience. 80% of respondents agreed that the problem has increased in recent years. Of those that gave opinions on the reasons for this increase the majority referred to increased levels of aggression and violence in society in general, often attributed to increased lack of respect or a greater sense of entitlement. There was also mention of the effects of austerity and associated financial hardship.

In terms of specific themes identified by respondents regarding the increase in abuse, the following came up repeatedly:

- Perpetrators felt there was no effective legal deterrent resulting from failures in the criminal justice system or cuts to police responses.
- Increasing levels of theft and robbery from shops and increased aggression from shop thieves much of it fuelled by drug and alcohol misuse.
- Increase in the range of products subject to age restriction and increased aggression when enforcing the law on age restriction.
- Cuts in staffing levels, especially the removal of uniformed security guards as a cost cutting measure.

"I've worked retail for 13 years in lots of different areas, and in the last three years I've been threatened more times than the previous 10. There have been occasions where due to staff cuts no security or male members of staff have been present and men have been hanging around waiting for women to finish work. We're having to go outside in large groups or call managers to help us more and more."

"I've worked in the same store for 6 years, for almost 5 of those I never had a single incident of abuse, since then I've lost count. People are more entitled than they used to be and much angrier. Drugs and alcohol play a large part as well."

"I have worked in retail for 20 years and I have first-hand experience of the issue. In the last four years I have had more abuse and threats made against me than in the rest of my experience combined."

"Because most youth centres have been shut down, homelessness is at its highest, drug use is on a high and the Government have no idea how real people live."

Q: Please provide any information you have on the nature of violence and abuse which is occurring and specify the type of store you operate/which was affected.

2,428 of the respondents to our shortened version of the Call for Evidence responded to this question. We note that this is substantially higher than the 2,035 who said they had been victims themselves in response to Question 9. Several of the respondents described incidents that they had witnessed happening to others in their stores. It was clear from their responses that the workers who were not direct victims were still considerably affected by what had happened to their colleagues and were concerned for their own safety.

We asked respondents to identify the type of store in which they worked. The answers demonstrate that the problems of violence and abuse are widespread across all types of retail outlets and retail jobs as the table below indicates.

Type of Store	Number of Respondents
Supermarket	1,642
Convenience store/petrol filling station	681
Department store	243
Small non-food (pound store etc.)	142
Large non-food (DIY etc.)	89
Pharmacy/health foods	58
Cash and carry	19
Charity shop	6
Other retail	43

'Other retail' included a variety of outlets such as cafes/fast food, bookmakers and even a zoo gift shop.

In addition there were 90 responses from home delivery drivers, most of whom reported incidents of abuse and 21 from call centre workers, a third of whom reported incidents of verbal abuse.

There were 63 who were clearly not retail workers whose results have been excluded from our analysis.

A breakdown of the types of incident that respondents describe shows that nearly two-thirds have experienced or witnessed verbal abuse. Around 8% specifically mention abuse on sexual or racist grounds.

Almost a quarter describe threats of physical violence. Over half of these involve threats with weapons – most commonly knives, syringes or bottles.

15% describe actual physical violence varying from workers being pushed, spat upon, punched or kicked or attacked with weapons.

"When asking for ID for products especially on the self-scan you are in front of the person, I have been called every name under the sun, I have had walking sticks waved in my face, I have had people scream at me, I have had threats of violence towards my family."

"I have had a fractured eye socket, been choked by a minor swinging from my tie (I now wear a clip on), had someone try to stab me twice all in the last three years and get verbally abused or threatened with violence or they wait until I finish work. At least one member of staff gets abuse daily in my store and there's not a lot we can do about it."

"I have been dragged out of the store and battered by a group of five men, punched and kicked by a gang of teenagers, followed home after late night shifts, had a knife pulled on me three times, had to wrestle needles out of drug addicts hands to prevent harm to colleagues, and that doesn't include the verbal abuse I receive on a daily basis."

"I've really suffered and subjected to some of the most horrible homophobic abuse, physically assaulted in work, punched, spat at, verbally abused. Followed home and also targeted at my home address."

"I have witnessed abuse against a deaf colleague because she can't hear, a Russian colleague, Lithuanian colleague and a Romanian colleague all because they have an accent, a black colleague because she is coloured and all four have been told to go back to their countries. I have seen a colleague hit with a belt. I've seen a colleague pushed through a glass door."

Q: Have you been a victim of violence or abuse within a retail setting?

2,035 (62%) respondents to our shortened survey reported that they had personally been a victim of abuse or violence.

Q: Did you report the incident to your manager/supervisor?

If yes, were you satisfied with the response?

31% said that they did not report the incident to management. The commonest reasons given for not reporting to management were typically 'no point', 'nothing gets done'. 30 respondents replied that they were the manager and clearly did not feel there was anyone more senior to whom they could report. A smaller number said they were scared to report because the manager was likely to take the customers' side or they may be disciplined.

40% of those who did report said they were dissatisfied with the manager's response typically because they were told it was part of the job or they felt the manager took a 'customer is always right' approach.

"Went to Duty Manager and Personnel Manager and the General Store Manager. I was told by my GM if I can't handle it I should leave. The only person I got support from was my Line Manager."

"Nothing was really done. They told me just to keep an eye out for that customer in future and try to stay out of their way."

"We log these incidents on a computer database which gets forwarded to Head Office and we receive no feedback or support ever. The only communication from Head Office is with regards to sales and profit protection."

"The manager basically didn't want to upset the customer anymore, even though they were in the wrong. After the incident, the manager never came to see how his members of staff were and expected us to carry on the job as normal."

Q: Did you report the incident to the police?

If yes, were you satisfied with the response?

34% of victims said they did report to the police.

Of the 66% who did not report the most common reasons were that they did not think it was a police matter (especially for verbal abuse or threats). Other reasons were that they did not think the police would do anything, that management said they would deal with the matter and that they were aware of the limitations on police resources.

60% of those who did report said they were satisfied with the police response. Of the 40% dissatisfied the commonest complaints were that there was a lack of action from the police or that it took them too long to respond.

"The police are far too stretched and half the time do not have people to send out or it takes some time at which point it's too late the person's gone."

"They didn't take any action the reason police said they don't have enough man power to investigate further."

"They said I should find another job."

"In the past the police were fantastic when I had my arm broken and also when someone spat in my eye, but in last two years the response has been pretty poor due to lack of resources and being over stretched they used to come straight out to you to take statement, now it can take five to six days before they come to see you."

Q: Were you made aware of the option to make a Victim Personal Statement (VPS)?

Of those who reported being victims, 86% said they were not asked to complete a Victim Personal Statement. However, upon closer examination, it would appear that some of those who did believe that they had been asked to complete a VPS were actually being asked for a witness statement. We therefore believe that the real figure of those not asked to complete a VPS is over 90%.

Only a third of those asked to complete a VPS said that they felt it was helpful. Some of the more positive comments about the value of the VPS suggest it does help the victim. However, it was clear from the range of confused responses that much more needs to be done to raise awareness about them.

"Yes, it helped put the situation into perspective."

"Yes I did and they used it in court."

"Yes and I followed it through to court."

Q: Please share any further information on your organisation's experience/the experience of the organisations you represent of the criminal justice system.

Although there were nearly 900 responses to this question the vast majority were general comments on the perceived state of the justice system rather than comments on direct personal experience. There were only around 40 which did appear to relate to personal experience. The majority of these were dissatisfied with the outcome. There were at best seven responses which suggested that they were satisfied with the result of the process.

From 2,035 reported victims of abuse and violence, fewer than ten were satisfied that the criminal justice system had delivered justice for them.

"The police try so hard to get these people into the justice system but they feel it's a little holiday getting sent down for a few weeks and there back out in no time and at it again."

"The police no longer come out for shop lifters or criminal damage incidents but you also know that there response times are a lot longer than they used to be even when it does kick off so by the time they get there the issue has gone you are just then dealing with upset colleagues."

"The actual sentence, when given, was very poor. There should be tougher sentences handed down, especially for repeat offenders. The message needs sending out that society isn't going to stand for it anymore. It isn't a soft nor a faceless crime. It affects communities."

"I had to visit a police station and provide all details of the incident. Person was identified through the CCTV footage and barred from the premises of the entire shopping centre and its grounds."

"We used to have a Police Community Officer visit the store most weeks. We discussed incidents and issues during the week/month. We also liaised with the School Police Officers (we have several schools close by). Unfortunately, there does not seem to be anyone now who patrols or does these types of jobs."

"My store has recently had a number of prolific shoplifters arrested and presented to the courts. However one returned the next day and stole more goods and the other after just a few weeks!"

"I have had several interactions with the justice system in my work as a manager. I think they do the best they can however with cuts I feel the evidence packs they send out can be long and somewhat confusing. With cuts in business too we often do not have any chance to fill these out and therefore nothing happens."

Q: Are you familiar with the range of civil tools and powers to tackle this crime (for example, the powers available under the Anti-Social Behaviour, Crime and Policing Act 2014)?

Are you familiar with the criminal offences which may apply in relation to violence and abuse toward shop staff?

Usdaw is certainly aware of the range of civil tools available to tackle harassment, stalking and unacceptable behaviour. We are aware of instances where retailers have used civil injunctions but note that the process is costly and difficult to follow. We do understand the wide range of powers that are available under the Anti-social Behaviour, Crime and Policing Act 2014. While some of the powers under this Act could be used to deal with some issues, for example, to disperse a gang of young people terrorising a local shopping centre, we are not aware of any examples where this has been done. It is not at all clear how the Act could be used for some of the other causes of violence and abuse – for example from shop thieves or from enforcement of age restriction rules.

Similarly we are aware of the criminal offences that could apply when shop workers are assaulted, threatened or harassed. However, our members' experience, which is backed up by the responses outlined above, is that the law is failing vulnerable workers. Many incidents are not even reported to the police. When they are the police response is often unsatisfactory because of their resource problems. Cases which do progress to trial often result in sentences which the victims consider unsatisfactory.

We are aware that Sentencing Guidelines issued in 2008 made it clear that it is an aggravating factor if assault is committed against workers providing a service to the public. However if the majority of incidents are not getting reported to the police or cases are not even getting to court then an aggravating factor in sentencing guidelines is not a great deal of help.

Q: Please share any examples you have of best practice, for example, of partnership working between the police and businesses, or deterrent measures which have reduced incidents of violence and abuse toward staff working in your organisation. This can include examples from outside England and Wales (please specify where).

We are aware of some good examples of local Business Crime Reduction Partnerships and Business Improvement Districts in parts of the country. Individual retail employers have also done useful things over the years in terms of training and improving protection for workers. Guidance produced by the BRC and the ACS has helped in providing advice on basic measures that employers can take to give better protection. One example of effective co-operation was the partnership project that was run by the Association of Greater Manchester Authorities and Greater Manchester Police from 2008 to 2011. This was based on the police sharing intelligence about robberies and attacks on retail premises with the Environmental Health Officers in the local authorities who have responsibility for enforcing health and safety law. Where higher risk premises were identified these were followed up with joint visits by police crime prevention officers and local authority EHOs to advise on risk

management. There was a linked programme of seminars and events aimed at businesses and guidance was published on risk reduction. The initial impact of this partnership was positive with a marked reduction in crime and violence in some of the worst affected boroughs. However cuts to police resources and reduction in proactive work on health and safety enforcement by local authorities combined with pressure of other work on both mean that the partnership is no longer effective.

Q: What, if anything, do you think prevents businesses, the police and/or local authorities from working in partnership to tackle this issue?

There are a number of factors which make it difficult for business, police and local authorities to work in partnership.

There are background factors which contribute to the recent increase in violence against retail workers such as the growing financial hardship for many following the economic collapse in 2008, the subsequent wages freeze and cuts to benefits. These combine with cuts to youth services and to support services for people with drug and alcohol dependency and to mental health issues to contribute to the growing level of crime in and around the shops which is itself a major factor in the increased violence.

At the same time the police and local authority have seen cuts to resources and increased demand for their services from other areas which has made it difficult to respond to the increased problem and to maintain community safety activities. Retail businesses have also suffered financial pressures. While they have kept up spending on core security measures there have been reductions in money for training of staff, for uniformed security guards, etc.

Lack of leadership from central Government over a number of years has resulted in a very patchy picture across the country.

As a net result of these negative pressures there has been a growing lack of confidence among retail workers that the system will do enough to protect them from violence and abuse. Regrettably many do accept the view that it is just part of the job. We are stuck in a negative cycle of under-reporting and dwindling resources to tackle the issue.

Q: Is there any further non-legislative action which Government could take to help address this issue?

Usdaw believes that there are things that need to be done now to get us out of the unhealthy position where regular violence and abuse against retail workers is becoming normalised. However, we stress that we do not see these measure as a substitute for the legislative change which retailers and the union are demanding, rather as activities that will be necessary to complement any legal change and to make it work more effectively.

Most importantly we believe there needs to be a stronger lead from central Government working through the National Retail Crime Strategy Group to improve consistency of approach across different constabularies to promote sharing of good practice, and to build more effective BCRPs/BIDs which meet the national standards that are being devised for these organisations.

There needs to be improved dialogue between police forces and retailers to make sure that there is better co-operation on reporting of incidents and on agreeing proportionate response to reports. Retail violence needs to be addressed in policing plans at national and local level. The Home Office and local Police and Crime Commissioners need to work together to make sure this is achieved. There is a clear continuing role for the police-run National Business Crime Centre to spread good practice and to assist with this approach.

As it seems likely that out of court/community disposals for offenders in the future, part of that work means developing a better understanding of when and where these responses are appropriate. Work will be needed with local retail staff and local communities to reassure them that they are not just 'soft' sentences and that the possibility of stricter sentencing including custodial sentences for serious incidents remains.

In light of the responses from shopworkers we have received we all have an important role to play in improving reporting and in making sure there is more effective use of Victim Personal Statements so that the true extent and harm caused by retail violence is better understood by the police and the wider criminal justice system.

Since much of the more serious problem is caused by prolific, repeat offenders who often have drug or alcohol problems or behavioural issues, Government needs to do more to improve services to break cycle of reoffending.

Retail employers do have a legal duty under health and safety law to protect their employees from the risk of violence. There is useful guidance for the retail and licensed sector on the Health and Safety Executive website but it is now over a decade since this was last up-dated. It would benefit from an overhaul to reflect current working practices in the industry and to make the guidance sharper and more direct. At the same time the Government could work through HSE to encourage local authorities to enforce health and safety law and ensure that all retail employers are meeting their duty to protect staff from the risk of violence.

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