



Rt Hon Dame Karen Bradley MP
Chair, Home Affairs Select Committee
House of Commons
London, SW1A 0AA

25 February 2025

Dear Dame Karen,

CRIME AND POLICING BILL: INTRODUCTION

I am writing to inform you that the Government has today introduced the Crime and Policing Bill in the House of Commons. The measures in the Bill support the Government's Safer Streets Mission to halve knife crime and violence against women and girls in a decade and rebuild public confidence in policing and the criminal justice system.

I wanted, in particular, to draw to the Committee's attention elements of the Bill which touch on the previous work of the Committee.

Spiking

In its report on spiking, published in April 2022, the Committee called for ministers to update the Committee on progress towards creating a standalone spiking offence.

Spiking is currently illegal and can be prosecuted under a range of criminal offences depending on the circumstances of the case. In addition to general offences such as of assault, there are specific offences relating to the administration of a substance at sections 22 to 24 of the Offences Against the Person Act 1861 (the 1861 Act) which capture all forms of spiking. Sections 23 and 24 of the 1861 Act also cover other non-spiking behaviours where a noxious substance may be administered, e.g. where a person is sprayed with CS gas. For cases where a substance is administered with the intention of engaging in sexual activity with the victim, there is also a separate offence at section 61 of the Sexual Offences Act 2003, which has a maximum penalty of 10 years' imprisonment.

The Government committed in its manifesto and the King's Speech to introduce a new criminal offence to help the police better respond to incidents of spiking. We are therefore repealing section 22 and consolidating the offences at sections 23 and 24 of the 1861 Act into a single offence of administering a harmful substance (including spiking). This will be triable either way with a maximum penalty of 10 years' imprisonment.

Retail Crime

In its 2021 report on violence and abuse towards retail workers, the Committee suggested that ‘there is a strong case for extra protection in law for retail workers through a specific offence’.

The Government committed in its manifesto to introduce a specific, standalone offence of assaulting a retail worker. Part 3 of the Bill fulfils that promise. The new offence covers individuals who work in a retail setting and will be summary only, carrying a maximum penalty of an unlimited fine and/or six months imprisonment. There will also be a presumption for individuals, upon first conviction, to receive a Criminal Behaviour Order.

This new offence will also allow police to record data more easily and effectively, allowing us to build up clear evidence of this crime; informing the Government of the next steps from a policy and funding perspective to support the retail sector, whilst helping the police to allocate sufficient resources to deal with the issue.

In addition, the Bill will also repeal section 176 of the Anti-social Behaviour, Crime and Policing Act 2014, which created an offence of “low-value shoplifting” in instances where the total value of goods stolen is under £200. This section has created a perception that shop theft of goods under £200 will not be investigated and prosecuted, resulting in perpetrators perceiving this downgrading of shop theft as a “licence to steal” so long as they stayed below the £200 threshold.

The aim of repealing section 176 is to show perpetrators that shop theft is unacceptable and will be prosecuted on the grounds that all shop theft is illegal, whilst acting as a deterrent to would-perpetrators across the country

Independent Inquiry into Child Sexual Abuse Recommendations

On 21 January 2025 the Committee heard evidence from Professor Alexis Jay CBE, Chair of the Independent Inquiry into Child Sexual Abuse (IICSA). The Home Secretary announced to the House of Commons on 29 January that the Government will be setting up a victims and survivors panel to help guide ministers in implementing IICSA’s recommendations. In the meantime, the Government is bringing forward measures to address three of IICSA’s recommendations in the Bill:

1. Chapter 2 of Part 5 of the Bill places a duty on adults engaged in relevant activities in England to report to the police or local authority any instances of child sexual abuse they are made aware of. The definition of relevant activity covers all regulated activity relating to children as set out in the Safeguarding Vulnerable Groups Act 2006, alongside a number of additional roles (including police officers) set out in the Bill. Those who fail to report child sexual abuse they are made aware of may be referred to the Disclosure and Barring Service and, where appropriate, their professional regulator and face being barred from working with young people in the future. This is accompanied by an offence of preventing or deterring a person from making a report, with a maximum penalty of seven years’ imprisonment.
2. Clause 77 removes the ‘supervision exemption’ from the definition of regulated activity in the child workforce. Currently, regulated activity with children is defined in legislation, with those working in such activity eligible for the highest-level Disclosure

and Barring Service (DBS) check. Roles that involve close and frequent work with children are included in the definition of regulated activity, unless they are subject to day-to-day supervision. This clause removes this 'supervision exemption' from the definition of regulated activity, allowing employers to access enhanced DBS checks (including a check against the Children's Barred List) for all roles involving close and frequent contact with children, even if supervised. Additionally, an individual on the Children's Barred List will commit an offence if they apply for or work in a supervised role, as would an employer who engages a Barred individual in such a role.

3. Clause 43 makes grooming behaviour a statutory aggravating factor in the sentencing of child sexual offences. Aggravating factors make an offence more serious, requiring courts to consider an uplift in sentencing. This measure will capture offenders who demonstrate grooming behaviours in connection to sexual offences against children, as well as offenders who knowingly take advantage of children who they know to have been groomed requiring courts to consider an uplift in sentencing.

I look forward to debating these and other provisions of the Bill with members of the Committee over the coming months.

Yours sincerely

A handwritten signature in black ink, reading 'Diana Johnson'. The signature is fluid and cursive, with a large 'D' and 'J'.

Rt Hon Dame Diana Johnson DBE MP
Minister of State for Policing, Fire and Crime Prevention