



Home Office

Home Office  
2 Marsham Street SW1P  
4DF  
[www.gov.uk/home-office](http://www.gov.uk/home-office)

02 June 2021

Rt Hon. Yvette Cooper MP  
Chair, Home Affairs Select Committee  
House of Commons  
London  
SW1A 0AA

Dear Chair,

I was grateful for the opportunity to talk to the Committee as part of your inquiries into Police Conduct and Complaints and Violence and Abuse against Retail Workers on 12 May 2021, alongside Michael Cordy and Paul Regan.

I committed to follow up in writing at a number of points in our discussion during the session; particularly on violence against retail workers and online fraud.

### **Violence and Abuse against retail workers**

As I said during the session, the violence and abuse experienced by retail workers is unacceptable and I am committed to make their workplaces safer. The Government has heard the message loud and clear from retailers, trade associations and unions that violence and abuse is the area they want us to focus on, and there has been a significant amount of work done by the National Retail Crime Steering Group over the past 12 months. The Task and Finish groups have developed resources to assist retailers including best practice on how to report incidents to police; a guide on supporting individuals who are victims of violence and abuse at work; best practice on effective data sharing between retailers and police; and the Shopkind communications campaign. These resources were launched on 22 April and have been published on the British Retail Consortium website

I undertook to provide data on prosecutions. The drop of 30% in prosecutions is almost entirely in 2020 because courts were either closed or working at reduced capacity for most

of the year due to the pandemic. Therefore, this is not reflective of a long-term decline. The Crown Prosecution Service (CPS) will take a case to court in accordance with guidance in the Code for Crown Prosecutors that requires an assessment of whether sufficient evidence exists for a realistic prospect of conviction and whether that prosecution is in the public interest. Where sufficiency of evidence exists, there is a high public interest in prosecuting offences against shop workers. The fact that an individual was serving the public at the time of an offence is a factor which increases the seriousness of the offence for the purpose of sentence.

Lower-level cases are sometimes dealt with via out-of-court disposals such as cautions. The police and CPS are responsible for identifying appropriate cases and any conditions applied. Offenders must admit guilt and meet other requirements in order to be eligible for an out-of-court disposal which will be reflected in the prosecution data highlighted by the committee.

The Office for National Statistics (ONS) reported in *The Nature of Violent Crime in England and Wales: Year ending March 2020* that recent increases in police recorded crime violence against the person are thought to have been driven largely by improved recording amongst police forces in response to concerns over the quality of police crime data. These concerns were highlighted by Her Majesty's Inspectorate of Constabulary and Fire & Rescue Services (HMICFRS) who identified that violence against the person offences had the highest under-recording rates across police forces in England and Wales in a 2014 inspection report and showed an improved police response to domestic abuse in a 2015 report. The ONS state that police recorded crime data cannot provide information on longer-term trends in violent crime, as major changes such as the introduction of the National Crime Recording Standard (NCRS), and the expansion of the Home Office Counting Rules (HOCR) in April 1998, mean that the volume of violent crime recorded before and after these dates is not comparable. The Crime Survey for England and Wales (CSEW) is the preferred measure for long-term crime trends, as it is not affected by changes in police activity. Since the mid-1990s, there have been long-term falls seen in overall CSEW crime estimates. The pandemic has affected trends in crime and prosecutions data over the last year, so data from March 2020 should not be compared with previous years.

The Committee asked whether the Government collects information on the use of Victim Personal Statements and Business Impact Statements. Data is not currently collected centrally on the use of either of these statements.

The Common Platform is a digital case management system designed to enable Her Majesty's Court and Tribunal Service staff, the judiciary, and professional court users, including defence and the Crown Prosecution Service, to use, manage and share criminal case information more effectively. We are currently rolling out the system to all criminal courts across England and Wales, and plan to have completed this process by the end of 2021. The Common Platform captures all the details of hearing results and prompts, such as the use of a Victim Personal Statement or Impact Statement for Business. Under the

Victims' Code police forces must offer all victims of crime the opportunity to make a Victim Personal Statement. In addition, the named contact point for a business has the right to be provided with information about the Impact Statement for Business process by the police when reporting the crime, to help them decide whether the business wishes to make one. The Ministry of Justice will soon be asking Police and Crime Commissioners and Local Criminal Justice Boards to coordinate a self-assessment of their delivery of victims' rights. The process requires criminal justice agencies to self-assess their performance against specific rights and their processes and data monitoring systems. It will provide the MoJ with a better understanding of how victims' rights, such as the right to make a Victim Personal Statement or an Impact Statement for Business, are effectively monitored, highlighting any issues and gaps that need to be addressed. Ultimately, this self-assessment will aid the development of a core minimum data set and quality standards to monitor local delivery, which will allow us to monitor the use of these statements in the future.

The Committee also asked how the Home Office measures the number of prosecutions for low-level thefts. Unfortunately, data on prosecutions cannot be broken down to show the value of the items stolen and therefore I cannot provide figures for the number of prosecutions for low-level theft.

Respondents to the Call for Evidence raised concerns that changes introduced by the Anti-Social Behaviour, Crime and Policing Act 2014, which gave police powers to prosecute offences of shoplifting where the value of goods stolen is less than £200 as a summary only offence, had given the impression that such crimes would no longer be investigated by the police. Theft of goods worth up to £200 from shops can, and should, be prosecuted as a criminal offence. Section 176 of the 2014 Act does not constrain the ability of the police to arrest or prosecute someone in the way they feel is most appropriate. I wrote to PCCs in September 2020 urging them to consider the impact on local shops of their current posture on this crime type.

### **Online fraud**

The fraud and cyber threats we face continue to grow in sophistication, especially as more of us find ourselves at home and online. In response to your question on the proportion of judicial outcomes reported for fraud, I should note that the 3.7 million figure quoted represents the estimated number of fraud incidents. This is separate to reported cases which judicial outcomes are based on.

I would therefore like to update the Committee that between April 2019 – March 2020, there were 774,541 reported fraud and computer misuse offences recorded. This data was captured by reports received by Action Fraud, Cifas and UK Finance who are all fraud reporting bodies. In the same year ending March 2020, 4,802 individuals were sentenced for fraud offences and 103 for computer misuse offences. We recognise we need to increase conviction rates and continue to consider all options, including legislation, that will give law enforcement colleagues the tools they need to go after these criminals and protect the public.

As well as rising levels of fraud, cyber threats, including cyber crimes are a growing concern and are a tier one national security threat. To ensure the UK is protected in cyber space, the five-year National Cyber Security Strategy for 2016-2021 was established and set out ambitious policies to combat cyber threats. Through the National Cyber Security Programme, we have invested over £188 million since 2016 in the law enforcement response to the cyber crime threat and continue to invest in national, regional, and local levels to ensure law enforcement has capacity to deal with cyber crime. This was complemented by the specialist Cyber Crime Units established in every police force in England and Wales in 2019 to provide an effective investigative response, support victims and give targeted cyber crime prevention messaging. We continue to boost the capabilities of the NCA's National Cyber Crime Unit by increasing their ability to investigate the most serious cyber crime as well as the investing in the cyber units in each Regional Organised Crime Units across England and Wales, to bolster the regional response.

### **Police Conduct and Complaints**

Finally, in my oral evidence on police conduct and complaints on 12 May, I noted that the IOPC under Michael Lockwood's leadership have made great progress in improving the IOPC's timescales. I noted that of all the independent investigations that the IOPC has started, over 90% have been completed within 12 months and, as at the end of April, the IOPC had 30 cases outstanding that had taken longer.

I wanted to take this opportunity to clarify the reference I made to the 538 'legacy cases' that the IOPC 'inherited' from the Independent Police Complaints Commission (IPCC) in January 2018 (see my answers to questions 194 and 196). Although some of these 'legacy cases', would have been open longer than 12 months, I did not mean to suggest that all of the 538 cases would have been. What is clear, however, is that the IOPC's track record on timescales is better than the IPCC's. During its last year of operation (2016/2017) the average length of IPCC's investigations was 11.5 months and it carried out under 65% of its investigations in less than 12 months. The latest data shows that the average duration of an IOPC case investigation is now 8 months.

Yours sincerely,



**Kit Malthouse MP**  
**Minister of State for Crime, Policing and the Fire Service**