

Assaults on those providing a public service

Section 156 of the Police, Crime, Sentencing and Courts Act 2022

Overview

Section 156 of the Police, Crime, Sentencing and Courts Act 2022 creates a statutory aggravating factor, which must be considered by the courts when an assault offence has been committed against someone who is:

- (i) providing a public service,
- (ii) performing a public duty, or
- (iii) providing services, goods or facilities to the public;

The court now must treat that fact as an aggravating factor and must state in open court that the offence is aggravated.

The provision, determined by the court, applies in cases of assault where an offence is committed by someone over the age of 18. Victims of these offences could include retail workers, hospitality workers, security staff, those working for/within central government and local authorities; parliamentarians; education sector; social care sector and the armed forces.

The offences covered by this provision are:

- Common assault and battery, except where section 1 of the Assaults on Emergency Workers (Offences) Act 2018 applies;
- An offence under any of the following provisions of the Offences against the Person Act 1861— threats to kill, wounding with intent to cause grievous bodily harm, malicious wounding or assault occasioning actual bodily harm;
- An inchoate offence in relation to any of the preceding offences; and
- Any other offence, where the court considers this factor relevant.

Common assault applies to cases where there is little or no injury. If violence is used in a common assault, it is called a “battery”. For example, common assault could apply where a person is hit or kicked with minor injury, or where a person is pushed, grabbed or spat at without physical injury. Physical contact does not have to occur for an assault to take place. For example, threatening behaviour like raising fists, causing someone to fear that violence may be used against them, may constitute assault.

The provision could also apply in cases of verbal harassment, where this is severe enough to go to court, as this aggravating factor may be applied to any offence where the court considers it relevant. This provision does not change the current maximum penalties for the offences covered, which in the case of common assault is six months’ imprisonment and/or an unlimited fine.

For assault occasioning actual bodily harm, the maximum penalty is five years’ imprisonment. Aggravating factors are considered by courts when making sentencing decisions and the provision allows the court to consider a tougher sentence within the maximum penalty.



What should retailers do?

Employers should make clear that violence, abuse and threats should never be part of a retail worker's job. They should make their staff aware of the new statutory aggravating factor and that the serious nature of violence against public-facing workers is now recognised in law.

Employers should ensure employees understand the procedure for reporting incidents in their workplace, managers are aware of procedures to follow when an incident takes place and that incidents will be reported to police where appropriate. Retailers should report incidents, gather and record relevant evidence and work closely with the police to ensure incidents are dealt with appropriately.

All crimes should be reported to the police, particularly crimes involving violence, or the threat of violence or abuse, and when reporting ensure violence or threats are always reported first. This information will help the police to decide on the most appropriate response. In a non-emergency situation, a crime can be reported over the phone via 101 or online via [police.uk](https://www.police.uk) or the Crimestoppers website.

If there is a crime in progress, the most important thing to think about is the safety for those at the scene.

Victim Personal Statement (VPS) and Impact Statement for Business (ISB)

A Victim Personal Statement (VPS) gives victims an opportunity to explain how a crime has affected them, physically, emotionally, psychologically, financially or in any other way. Retailers should encourage their staff who are victims of crimes, to provide a victim personal statement.

Under the Victims' Code, all businesses or enterprises that have had criminal offences committed against them are entitled to make an Impact Statement for Business (ISB), to set out how the offence(s) have affected the business. An ISB may be made at the same time as a witness statement or Victim Personal Statement.

Information provided in victim impact statement will assist the court in considering the impact of the offence and the appropriate sentence.

The National Business Crime Centre (NBCC) has created some bespoke guidance for ISBs which can be found here: [business-impact-statement-template](#)

Working in partnership with other businesses and the police

Partnership working between businesses, police and other agencies has a number of benefits in reducing business crime. Sharing data builds a clearer picture of crimes affecting stores and helps the police respond effectively. Retailers are encouraged to join local crime reduction partnerships and work collaboratively to help reduce crime.

There are different types of partnerships that businesses can get involved with including joining a Business Improvement District (BID) or a Business Crime Reduction Partnership (BCRP). Through BCRPs and BIDs, retailers and police work together to prevent repeat offenders from targeting businesses. Many offer a communications network and run exclusion schemes, collectively exclude individuals from member premises.



The NBCC actively works with police forces across the UK supporting the work they are doing with local businesses, sharing best practice and ideas between forces and provide national guidance they can adapt and use locally. For more information, visit the NBCC website [Business Crime Reduction Partnerships \(BCRP\)](#)

ShopKind

The #ShopKind campaign is backed by the Home Office and supported by major high street retailers, as well as independent shopkeepers and the shop workers union Usdaw. The aim of the campaign is to encourage positive behaviours in shops, acknowledge the important role of shop workers and raise awareness about the scale and impact of violence and abuse against shop workers.

ShopKind is for the whole retail sector and they are encouraged to download the print and social media campaign materials and use them in stores. There are also ShopKind Brand guidelines to help retailers understand how to use the campaign materials. There is space available on materials for Retailers to add their own logo to demonstrate your support for the campaign.

Free print and social media campaign materials are available to download via the NBCC website [ShopKind \(nbcc.police.uk\)](#)

The NBCC website hosts a range of guidance and crime prevention advice for businesses. Businesses can help to spread the ShopKind message by:

- Discussing #ShopKind with colleagues, encouraging their organisation to think about the steps that they can take to help customers shop with kindness.
- Becoming a ShopKind Champion. ShopKind Champions are key supporters of the ShopKind campaign. This involves committing to spread the ShopKind message on social media, in their business and across their network. The ShopKind Champion pack has far more information. [ShopKind Champion Pack \(acs.org.uk\)](#)

Employee Support

Retailers should ensure people in their organisation who have been a victim of abuse or violence know where they can access support. Ensure managers are trained on the procedures to follow when an incident takes place.

The NBCC has created an Employer's Framework document, signposting sources of guidance and advice for how retail employers can help to prevent violence and abuse in retail settings and protect the wellbeing of their employees. Employers are encouraged to use this to demonstrate their commitment to support their employees. [NBCC - Preventing violence & abuse in retail.](#)

