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Dear Ms Panchal

REBUILDING LIVES SUPPORTING VICTIMS OF CRIME

The Association of Licensed Multiple Retailers (*ALMR*) welcomes the opportunity to contribute to the Government's consultation on the above proposals. The *ALMR* was previously involved in earlier consultations in this area, and these comments supplement our original representations.

By way of background, the *ALMR* is the trade body dedicated to representing the interests of pub and bar operators, in particular smaller, independent companies operating less than 50 outlets. These are the small companies which stand to be most affected by the Government's proposals, which may result in a significant increase in fixed costs. There are currently just fewer than 100 companies in membership of the Association, between them operating over 30,000 outlets – around half the UK pub and bar estate. Members include major pub companies such as Punch, Unique and Enterprise – whose pubs are operated as individual small businesses – national chains of managed operators such as Regent Inns and Laurel and the retail estate of regional brewers.

The *ALMR* does not wish to comment on the detailed proposals for reform of the Criminal Injuries Compensation Scheme and the establishment of new Victim Support Units. Our concern is specifically related to injuries sustained in the course of employment.

As a general position, we believe firmly that those responsible for committing an offence should pay the due penalty and that victims of serious and violent crime should be properly recompensed as a result. The direct link between crime and compensation, cause and effect is important and should be retained at all costs. We believe that provision of general support for victims of crime should remain the responsibility of government rather than the private sector and that any proposals for private sector engagement in victim support should remain voluntary.

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Injuries Sustained at Work

We note the reference in the consultation document to the fact that the CICS has, over time, made payments to workers injured as a result of violent crime at work and the suggestion that such injuries should properly be compensated through the employers' insurance.

There is already a raft of legislation in place to deal with health and safety at work and this should be the principal means of ensuring companies have the procedures in place to identify, plan for and minimise risks to their employees arising in the course of their duty. We do not believe it would be helpful to use criminal compensation as a further lever.

Whilst we accept that employers have a duty of care to ensure the safety of all their staff and to minimise the risk of injury, we do not believe that it would be appropriate for all cases of injury at work to be compensated in this way. A distinction must be drawn between general injuries occurring at work and serious or violent crimes that cannot be reasonably guarded against. For example, in the past, bar staff have been affected by pub bombings, have been subject to armed raids and been subject to unforeseen and unprovoked beatings.

Even if such crimes can be predicted there is only so much employers can reasonably be expected to do as part of their general risk assessments to prevent such events. Risks which genuinely cannot be foreseen or prevented should continue to be compensated through the CICS. The determining factor should be the degree of due diligence exercised by the employer to predict and prevent the incident and any indication of fault or blame attached to the crime.

Regulatory Impact Assessment

The suggestion that responsibility should fall to employers' insurance schemes to compensate victims of crime is not without cost. We believe that this will further add to the spiralling costs of employers' liability and public liability insurance. We find it extraordinary that the Government should come out with such a proposal after considerable concern within the OFT, DTI and Parliament about the cost of premiums.

Small firms in particular face difficulties in this respect and previous consultations on this subject had suggested that the obligation would only apply to companies employing 250 or more staff. If the Government decides to press ahead with the proposal to transfer responsibility for compensation of all injuries at work to employers, then we would strongly urge them to introduce such a threshold

Yours sincerely

Nick Bish
Chief Executive