



Advice/FAQs

For Under 18s

www.lossprevention.co.uk
0844 245 1145

Retail Loss Prevention
PO Box 5413
Nottingham
NG7 2BJ

Frequently Asked Questions & Answers for Juveniles (under 18 years)

1. At what age can a juvenile be held responsible for their actions?

Criminal law says from the age of 12 and civil law says from the age of 14 a juvenile should be old enough to know the difference between right and wrong and be held responsible for their actions.

2. If a juvenile is involved in an incident such as shoplifting, is it them or their parents who are responsible?

It is the juvenile who is responsible. The parents cannot be sued or made to pay.

3. Are parents held liable for the actions of their children?

The general principle is that parents are not responsible (vicariously liable) for the actions (torts/delicts) of their children. They can be negligent if they fail to exercise reasonable parental control over their children – however there is no clear definition of “reasonable parental control.”

4. Why does RLP write to the juvenile and not their parents?

If RLP wrote to the parents it would be an infringement of the juvenile’s rights, (similar to that of doctor/patient confidentiality). RLP advises the juvenile to discuss the matter with their parents or guardian who can assist in their best interests. (It is a fundamental principle of data protection that the Data Protection Act confers rights on the data subject i.e. the juvenile. Juveniles have the same rights as adults under Article 8 of the Human Rights Act to respect for private and family life and in relation to correspondence. Disclosing sensitive personal data relating to a juvenile without consent or the grounds to do so would be a breach of their human rights, as well as their data protection rights.) This needs to be balanced with the juvenile’s ability to understand their rights and consideration of the best interests of the juvenile. Where there is any doubt, or where parents are already aware of the incident, the client reporting the case for civil recovery will advise RLP who will write to the parents as well as the juvenile.

5. Can juveniles be sued in Court?

Individuals do not acquire a civil liability until the age of 18. Under 18’s can be taken to Court but only if they have a “litigation friend” who is over the age of 18 to represent your interests. The juvenile can appoint their own or the Court can appoint one.

6. Do RLP’s clients take juveniles to Court?

If a litigation friend has been appointed and the size of the claim is substantial then possibly. Normally the client would wait until the juvenile turned 18 to take Court action if this was appropriate and within the time frames.

7. Why might you need proof of my age?

So our client can take into consideration your age in relation to the incident. You need to send in a **photocopy** of any of the following documents as proof of age; - copy of birth certificate, copy of passport, copy of any ID or student card or any other official document which clearly shows your name and date of birth. **Do not send in any originals.** If you are unable to provide any proof, contact our Claims Department on **0844 245 1145** to discuss. Our staff are here to assist you.

8. This claim was settled by way of Restorative Justice, how can you bring another claim?

Restorative Justice is action taken by the police under the criminal law. This civil claim is entirely separate.

9. Why is some of the language and terminology used so legal, it makes the letter threatening?

It is not our intention, or that of our client for our letters to appear threatening. In order to be legally clear there are certain necessary elements that must be contained in our letters. We have to set out the legal basis for our clients claim, provide information on the incident and costs being claimed to enable you to respond. We also have to advise of potential future action.

10. Everything was recovered, there is no loss to the company, so why do I have to pay and what am I paying for?

It is a mistaken belief that just because the goods are recovered that there is no loss to the Company. Our client has incurred costs in surveillance, apprehending and interviewing you, recording details of the incident, administration and security. Under civil law these are legally accepted costs, since if there were no wrongdoers, companies wouldn't incur this expenditure.

(The legal basis for your liability in this regard is that by attempting to, or by taking goods without intending to pay for them, you wrongfully interfered with our client's rights in the goods).

11. I was with the person who committed the act but I had nothing to do with it, what should I do?

Our client provided us with your details on the basis that they feel you were involved in the incident (joint venture). If you played no part whatsoever in the incident, you need to write in with your version of events or telephone our Claims Department on **0844 245 1144** and request a joint claim form which you will need to complete and return. When we receive this information from you we will discuss this with our client and assess the validity of the claim.

12. I don't understand this?

It is important that you understand the implications of this civil claim and what your rights are. Your parent or guardian can deal with this on your behalf, or you can seek free independent legal advice including, Community Legal Advice 0845 345 4345 www.clsdirect.org.uk or Citizens Advice Bureau (see phone book for local number) www.citizensadvice.org.uk. Alternatively, you can contact our Claims Department who are there to assist you and explain any query you have.

Important Information

1. How to make payment

Please send all postal payments to Retail Loss Prevention Limited (RLP), PO Box 5413, Nottingham, NG7 2BJ.

To make payment by telephone contact 0844 245 1145 and select Option 1 – followed by Option 1

a. Debit or Credit Card

Payment can be made by debit or credit card by telephoning 0844 245 1145 and select Option 1 – followed by 1. These payments attract a small bank charge which you will be advised of when you call.

b. Cheques or Postal Orders

You need to make these payable to RLP and write on reverse of payment: Full Name of person case relates to, CR Number (found on top right corner of our letter) and Post Code to ensure it can be allocated to the correct case. We accept no responsibility for payments that do not reach this office or for those that have no case details on them. There is an administration charge of £15.00 if the cheque bounces

c. Cash

Cash MUST be sent by special delivery as no responsibility is taken for payments not received unless by this method.

2. Your options if you are unable to pay in full or need more time

If you are unable to make a full payment you can settle this claim by way of the following:

- a. Part Payment Plan – this allows you to pay over 4 payments which can be spread over a period not exceeding 12 months
- b. Settlement Agreement. Please be aware a guarantor is required for settlement agreements, you will need to find somebody over the age of 18 who is willing to act as your guarantor. This allows you to pay by monthly instalments
- c. An agreed deferred period with our Collections Department to provide enough time to save up

Please contact our Collections Department who are there to help you, on 0844 245 1145 for more information on these methods.

3. If you don't make payment

We will continue to write to you regarding this matter. We will also seek our client's instruction on what action they wish to take which will depend on the individual circumstances of the case.

4. If you want someone else to deal with the case for you

If you want someone else to deal with this, you need to write saying you want this person to deal with the matter for you and put your signature. This person will also have to sign this, confirming their willingness to deal with the matter on your behalf. Until we receive this we will correspond with you directly. Should you wish someone else to speak about your case on your behalf, you need to be present with them at the time of the call so you can verbally confirm to us your permission.

5. What to do if you disagree that you are liable – defending the claim

If you do not believe you are responsible for the incident then you should write to Retail Loss Prevention Limited, PO Box 5413, Nottingham, NG7 2BJ within 21 days, clearly outlining what you disagree with and provide your account of the incident. Or telephone our Claims Department on 0844 245 1145 and speak to a claims investigator providing information on your account of the incident. We will then discuss this with our client and further assess the validity of the claim.

6. Personal data held and what it can be used for

If you were 14 or 15 at the time of the incident, you are advised that the basic personal information we hold may be used in accordance with the Data Protection Act 1998 for the purposes of crime prevention and detection only - for 3 years from the date of the incident. Access to the information may be available to the Claimant, the Courts, legal advisors, crime partnerships and the police where there is a legitimate reason for doing so in accordance with the Act.

If you were 16 or 17 at the time of the incident, you are advised that the basic personal information we hold may be used in accordance with the Data Protection Act 1998 for the purposes of crime prevention and detection and is also held on a national database of civil recovery incidents. This information is available to companies with a legitimate interest to screen an individual's integrity in relation to employment decisions. This information is held within a closed user group in accordance with the provisions of the Data Protection Act 1998 - for 3 years from the date of the incident. Access to the information may be available to the Claimant, the Courts, legal advisors, crime partnerships and the police where there is a legitimate reason for doing so in accordance with the Act.

If you are unhappy with the way RLP has handled your personal information, please contact us on 0870 167 2181 in the first instance, or write to RLP at PO Box 5413, Nottingham, NG7 2BJ. If the problem is unresolved you can complain to the Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire SK9 5AF. www.ico.gov.uk. Helpline: 08456 306060 or 01625 545745

7. Vulnerable or in care juveniles

If the juvenile is vulnerable or in care and has problems, their social or care worker can write in with their circumstances so that these may be taken into account in relation to the incident.