



DEBATE PACK

Number CDP-2017-0050, 23 February 2017

Debate on e-petition 176138 relating to attacks on NHS medical staff

Summary

On Monday 27 February 2017, at 4.30pm, Oliver Dowden MP, a member of the Petitions Committee, will lead a debate in Westminster Hall on the motion "That this House has considered e-petition 176138 relating to attacks on NHS medical staff."

The petition, which calls to "Make it a specific criminal offence to attack any member of NHS Medical Staff", has received more than 116,000 signatures. The petition can be found [here](#). This petition is not relevant to Scotland, which has had legislation in place making it a specific offence to attack NHS medical staff since 2008.

Antonia Jones;
Alexander Bellis

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The House of Commons Library prepares a briefing in hard copy and/or online for most non-legislative debates in the Chamber and Westminster Hall other than half-hour debates. Debate Packs are produced quickly after the announcement of parliamentary business. They are intended to provide a summary or overview of the issue being debated and identify relevant briefings and useful documents, including press and parliamentary material. More detailed briefing can be prepared for Members on request to the Library.

1. E-Petition

A petition to [*Make it a specific criminal offence to attack any member of NHS Medical Staff*](#) was launched on 22nd December 2016 by LBC presenter Nick Ferrari, as part of a 'Guard Our Emergency Medical Services' (GEMS) campaign.

The following is the text of the petition as it appears on the petitions website:

There are 193 attacks on NHS staff a day in England. LBC's Nick Ferrari thinks this is unacceptable. Support his 'Guard Our Emergency Medical Services' campaign to better protect our doctors and nurses by making it a specific legal offence to attack them.

Figures show that attacks on NHS staff are rising. With stretched resources, higher demand and rising waiting times the NHS can ill afford this violence.

For twenty years it has been a specific offence to attack a Police officer conducting their duties. (Section 89(1) of the Police Act 1996)

We the undersigned believe it is time to extend this higher legal provision and protection to NHS medical staff and make it a specific offence to assault them.

The petition reached 100,000 signatures by 19th January 2017.

Scotland is already covered by legislation that makes assaulting a doctors, nurses and midwives a specific offence.

1.1 Government response

The Government (Ministry of Justice) responded to the petition on 20th February 2017:

Assaults against NHS staff are completely unacceptable. The Government is determined to ensure that all public servants have a safe and secure working environment. Any assault on someone providing a service to the public (including NHS staff) is treated extremely seriously. The fact that the victim is providing a service to the public is listed as an aggravating factor in sentencing guidelines which courts have a statutory duty to follow. As such, offenders who assault someone providing a service to the public may face a higher sentence than that for other assaults.

If NHS staff are attacked, there should be no hesitation in involving the police.

A protocol to tackle violence and anti-social behaviour in the NHS by shared actions between the Police, Crown Prosecution Service and NHS

Protect was signed in 2011. It sets out steps to improve the protection of NHS staff, to strengthen the investigation and prosecution process by improving the quality of information exchanged, and to improve victim and witness support. This protocol is currently being updated: the revised version is due to be in place in the coming months.

Further, the Code for Crown Prosecutors states, when considering the Public Interest Stage, "a prosecution is also more likely if the offence has been committed against a victim who was at the time a person serving the public".

There is already a range of offences which criminalise assault or violent behaviour. These start with common assault, the maximum sentence for which is 6 months imprisonment or a fine or both. (This is the same maximum as for the specific offence of assaulting a constable in the execution of his duty.) Assault occasioning Actual Bodily Harm and Wounding or Inflicting Grievous Bodily Harm (GBH) are more serious offences against the person, both with a maximum custodial sentence of 5 years. The most serious applicable offences, such as wounding or causing GBH with intent, have a maximum sentence of life imprisonment.

All these offences apply whoever is the victim, including of course NHS staff. Employers in the NHS are responsible for assessing and addressing risks to staff, in accordance with detailed guidance.

2. Attacks on NHS staff

NHS Protect [collects](#) numbers of reported physical assaults on NHS staff in England. Tables which show the figures broken down by NHS sector and individual health bodies are available for each year back to 2004/05.

Figures for the past five years are in the table below¹:

	2011/12	2012/13	2013/14	2014/15	2015/16
Total assaults	59,744	63,199	68,683	67,864	70,555
Per 1,000 staff ²	47	53	54	52	53

NHS Protect has also [published](#) a five-year analysis of physical assaults against NHS staff in England from 2010-2015, using information from the Security Incident Reporting System (SIRS) and the Reported Physical Assaults data collection exercise (RPA).

2.1 Sanctions

NHS Protect's five-year analysis provides information from the RPA on numbers of assaults which resulted in a criminal sanction being applied³. The RPA is different from the SIRS, which means the total number of assaults recorded on these two systems is not necessarily the same. Additionally, the criminal sanction figures are recorded in the year that a sanction was imposed, not necessarily the year that the assault took place.

However, as an indication of the proportion of physical assaults that result in a criminal sanction, the RPA figures for 2010/11-2014/15 are in the table below:

	2010/11	2011/12	2012/13	2013/14	2014/15
Sanctions applied	1,380	1,249	1,452	1,642	1,250

¹ It is worth noting that these figures do not show the breakdown by type of NHS worker, i.e. it is unclear how many assaults are on medical staff, as opposed to non-medical

² Based on Health Body declaration of staff

³ See Figure 4, p.66 of NHS Protect, [A Five Year Analysis of Physical Assaults against NHS Staff in England](#)

3. Policy Background

The Government's position is set out in the response to the e-petition, as set out in section 1. Responding to a parliamentary question on 22nd February 2017, Health Minister Philip Dunne gave further information on this position:

National Health Service staff are committed to providing health services and work hard to do so. They should not expect to suffer violence at work and this must not be tolerated. The priority is to prevent violence through measures to protect staff and by managing potentially risky situations before they escalate.

Employers in the NHS are responsible for assessing the risks of violence to their staff, for taking action to address these through prevention work, and for pursuing legal action when assaults do occur.

When incidents occur, the Department encourages the NHS to work with local police forces in seeking legal sanctions against anyone who is violent to staff. Joint working agreements on pursuing sanctions are in place between the NHS, the National Police Chiefs Council and the Crown Prosecution Service.⁴

3.1 Legislation (England and Wales)

As the Government has noted in its response to the petition, it is not currently a specific offence to attack NHS staff. Such attacks would instead be prosecuted using one of the general criminal offences against the person, such as common assault, assault occasioning actual bodily harm, or inflicting grievous bodily harm.

By contrast, there are specific offences of attacking on-duty police officers, prison officers, and immigration officers.⁵ Each of these offences is summary only (i.e. triable only in the magistrates' court) and carries a maximum sentence of six months' imprisonment and/or a fine. These offences are broadly equivalent (in terms of seriousness and injury caused) to the general offence of common assault under [s39 of the Criminal Justice Act 1988](#). Assaults on police officers, prison officers or immigration officers resulting in a more serious level of injury would usually be charged as one of the more serious general offences against the person.

Crown Prosecution Service guidance provides an overview of the general criminal offences against the person, and the specific offences against police, prison and immigration officers. This includes guidance on how to select the appropriate offence when bringing charges.⁶

The Government has argued that attacks on those providing a public service – including NHS staff – are already treated extremely seriously.

⁴ [PQ 64087](#) [on NHS: Crimes of Violence], 22 February 2017

⁵ Attacks against on-duty police officers are covered by [s89 of the Police Act 1996](#); s89 of the 1996 Act extends to prison officers by [s8 of the Prison Act 1952](#); and immigration officers are covered by [s22 of the UK Border Act 2007](#)

⁶ CPS website, [Legal guidance: Offences against the Person, incorporating the Charging Standard](#)

When sentencing offenders who have assaulted public servants, the courts are required to treat the fact that the offence was committed against a public servant as a factor indicating “a more than usually serious degree of harm”.⁷ This is therefore an aggravating factor for sentencing purposes.

Crown Prosecution Service guidance states that “Any assault that is committed on public servants and emergency workers must be treated seriously”, and suggests that “Sentencing practice indicates that custody is the appropriate starting point for a person who assaults a public servant”.⁸

Crime (Assaults on Emergency Services Staff) Bill 2016-17

A Private Member’s Bill was introduced by Holly Lynch MP under the Ten Minute Rule, as [the Crime \(Assaults on Emergency Services Staff\) Bill 2016-17](#). It had first reading on 7th February 2017, and is expected to have its second reading debate on 24th March 2017. The text of the Bill is not yet available, but the Bill intends to introduce an offence of assaulting emergency workers *including* doctors and nurses:

A Bill to make certain offences including malicious wounding, grievous or actual bodily harm and common assault aggravated when perpetrated against a constable, firefighter, doctor, paramedic or nurse in the execution of his or her duty or against a person assisting these persons in the execution of their duty; to make provision to require those suspected of certain assaults that may pose a health risk, including spitting, to be required to undergo blood tests and to make it an offence, without reasonable excuse, to refuse to undergo such tests; to make provision about the sentences for those convicted of the offences; and for connected purposes.

Emergency Workers (Obstruction) Act 2006

The Emergency Workers (Obstruction) Act 2006, which came into force on 20th February 2007, introduced a new offence of “obstructing or hindering” an emergency worker responding to emergency circumstances, or any person who is assisting such a worker. This includes ambulance personnel and those transporting organs.

The Act was initially introduced as the [Emergency Workers \(Protection\) Bill 2005](#), a Private Member’s Bill brought forward by former Swansea West MP Alan Williams. The draft Bill would have introduced an offence of assaulting an emergency worker (or someone assisting such a worker) in addition to that of obstructing or hindering. Following agreement between the then-Government and Mr Williams, the Bill was

⁷ Sentencing Guidelines Council, [Overarching principle – seriousness: Definitive guideline](#), p7

⁸ CPS website, [Legal guidance: Offences against the Person, incorporating the Charging Standard](#)

amended in Committee to remove the “repetitious element dealing with assault”⁹.

3.2 Joint Working Agreement

In 2011, the Association of Chief Police Officers (ACPO), the Crown Prosecution Service (CPS) and NHS Protect signed a [Joint Working Agreement](#) to “put in place a broad framework to assist local units of the three national organisations in setting up closer working arrangements to reduce the problem of violence and anti social behaviour affecting the NHS” in England (p.iii). Under the terms of the agreement, local branches of the three organisations are responsible for implementation, through service level agreements (SLAs). Such SLAs have been signed in some areas – for example in the [West Midlands](#) and the [North West](#) – but not all areas have established local arrangements.

In Wales, a similar [Memorandum of Understanding](#) was signed in 2013 between ACPO Cymru/Wales, NHS Wales and the CPS.

⁹ HC Debates 3 Mar 2006 Column 511
<https://www.publications.parliament.uk/pa/cm200506/cmhansrd/vo060303/debtext/60303-02.htm> ;
<https://www.publications.parliament.uk/pa/cm200506/cmbills/020/sc0202604.41-46.html>

4. Scotland

In Scotland, it is already a specific offence to assault a doctor, nurse or midwife while they are working, under the [Emergency Workers \(Scotland\) Act 2005](#).

The Act introduced a specific criminal offence of “Assaulting or impeding” certain providers of emergency services. Under provision 1 of the Act, it is an offence to assault or impede certain types of emergency workers whenever they are acting in their professional capacity, while under provision 2, the offence is assaulting or impeding other types of worker *when they are responding to emergency circumstances*.

As introduced in 2005, provision 1 covered only ‘blue light’ workers, i.e. police, fire and ambulance workers; provision 2 covered a number of other types of workers, including healthcare workers (medical practitioners, nurses, midwives). In 2008, the [Emergency Workers \(Scotland\) Act 2005 \(Modification\) Order 2008](#) moved healthcare workers from provision 2 to provision 1, meaning that they are now covered by this law whenever they are acting in their professional capacity.

An offence under the Act carries a penalty of up to 12 months’ imprisonment and/or a £10,000 fine.

The NHS Scotland staff survey in 2015 found that the proportion of NHS staff who had experienced a physical attack had decreased by 10 percentage points since the extension of the Act in 2008. However, absolute numbers of attacks are still high; a total of 22,771 attacks was reportedly recorded by health boards in 2015-16¹⁰.

¹⁰ According to news reports quoting figures obtained by Scottish Labour: <http://www.bbc.co.uk/news/uk-scotland-35451383>

5. Parliamentary material

5.1 Recent PQs

[NHS: Crimes of Violence](#)

Asked by: Burns, Sir Simon | **Party:** Conservative Party

To ask the Secretary of State for Health, if he will make it his policy to provide protections to NHS frontline staff against violent and dangerous patients similar to those provided for police and fire officers; and if he will make a statement.

Answering member: Mr Philip Dunne | **Party:** Conservative Party |
Department: Department of Health

National Health Service staff are committed to providing health services and work hard to do so. They should not expect to suffer violence at work and this must not be tolerated. The priority is to prevent violence through measures to protect staff and by managing potentially risky situations before they escalate.

Employers in the NHS are responsible for assessing the risks of violence to their staff, for taking action to address these through prevention work, and for pursuing legal action when assaults do occur.

When incidents occur, the Department encourages the NHS to work with local police forces in seeking legal sanctions against anyone who is violent to staff. Joint working agreements on pursuing sanctions are in place between the NHS, the National Police Chiefs Council and the Crown Prosecution Service.

22 Feb 2017 | Written questions | Answered | House of Commons | 64087

Date tabled: 17 Feb 2017 | **Date for answer:** 22 Feb 2017 | **Date answered:** 22 Feb 2017

[NHS: Crimes of Violence](#)

Asked by: Cadbury, Ruth | **Party:** Labour Party

To ask the Secretary of State for Health, what steps he is taking to protect NHS staff from verbal and physical abuse in the workplace.

Answering member: Mr Philip Dunne | **Party:** Conservative Party |
Department: Department of Health

National Health Service staff work very hard in a high pressure environment. Any abuse of staff is unacceptable and should not be tolerated.

Employers in the NHS are responsible for assessing risks to staff and addressing those risks. Detailed guidance to the NHS on this is available within the NHS Security Management Manual. Guidance includes advice on joint working between the NHS, the Police and the Crown

Prosecution Service on responses to incidents of abuse or violence when these occur and on taking forward appropriate cases for prosecution.

Powers under the Criminal Justice and immigration Act 2008 provide for removal from hospitals of people causing nuisance or disturbance, before escalation of such behaviour.

31 Jan 2017 | Written questions | Answered | House of Commons | 61204

Date tabled: 23 Jan 2017 | **Date for answer:** 25 Jan 2017 | **Date answered:** 31 Jan 2017

[Engagements](#)

Asked by: Oliver Dowden (Hertsmere) (Con) | **Party:** Conservative Party

It is currently an offence to assault a police officer, immigration officer or prison officer, but it is not a specific offence to assault an NHS worker, whether they are a doctor, nurse or paramedic. Does the Prime Minister agree that we should consider extending a specific offence to cover such people, to make it absolutely clear that the public will not tolerate violence towards our hard-working members of the NHS?

Oral questions - Supplementary

Answering member: The Prime Minister | **Party:** Conservative Party | **Department:** Prime Minister

My hon. Friend raises an important point. Of course, we condemn assaults on anybody and any violence that takes place. The Secretary of State for Health has heard the case that my hon. Friend has put and will be happy to look into that issue.

25 Jan 2017 | Oral answers to questions | House of Commons | House of Commons chamber | 620 c294

Date answered: 25 Jan 2017

5.2 Debates

[Violence against Health Workers](#)

Adjournment debate, 3 July 2012, HC Hansard Column 890

6. Useful reports and links

[Reported physical assaults on NHS staff figures](#)

NHS Business Services Authority

A series of tables showing the number of reported physical assaults on NHS staff in England in each year since 2002/03.

[Protecting people Promoting health](#)

Department of Health and North West Public Health Observatory at the Centre for Public Health, Liverpool John Moores University, 2012

Received as deposited paper (DEP2014-1517)

Pages 17 and 57 talk about violence toward NHS staff

[NHS Protect](#)

The organisation responsible for preventing violence against NHS staff

7. Press articles

7.1 National and regional press

['Unacceptable' rise in attacks on Welsh Ambulance Service staff](#)

Daily Post (Wales), 13 February 2017

[BLOOD ON THE WARDS: Assaults on NHS staff rocketing as frustrated patients lash out in record numbers](#)

Sun, 11 February 2017

[NHS violence: 'I've seen a pregnant nurse get kicked in the stomach'](#)

BBC Newsbeat, 10 February 2017

[NHS Health Check: 'Most staff have been attacked', doctor says](#)

BBC News, 10 February 2017

[NHS staff who protect nurses from violent patients set to face the axe](#)

Glasgow Evening Times, 6 February 2017

[Almost 14,000 attacks on NHS Scotland staff](#)

BBC News, 31 January 2016

[Racist assaults on hospital staff double in a year](#)

Times, 24 January 2017

[Attacks on under-pressure NHS staff soaring as health service reaches breaking point](#)

Mirror, 12 January 2017

[Attacks On NHS Staff Increase](#)

Capital FM, 9 January 2017

[Health staff subjected to more than 8,000 physical and verbal attacks](#)

News Letter (Northern Ireland), 9 January 2017

[18,000 physical attacks on hospital staff in Wales](#)

BBC News, 27 December 2016

[Attacks force NHS staff to wear cameras](#)

Times, 22 October 2016

[Over-75s 'perpetrators of NHS assaults'](#)

BBC News, 19 July 2016

[Violence against NHS staff rockets with 186 attacks on medics EVERY DAY](#)

Mirror, 21 April 2016

[London NHS staff attacked 22 times a day, official figures show](#)

London Evening Standard, 22 April 2016

7.2 The petition

[Should attacking NHS staff be its own specific crime?](#)

London Metro, 17 January 2017

[Stop Violence On NHS Staff: Date Set For Parliament Debate](#)

LBC, 27 January 2017

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