



## DEBATE PACK

Number CDP-0120, 29 October 2020

# Protections for emergency service workers

## Summary

A Westminster Hall debate on protections for emergency services is scheduled for Wednesday 4 November 2020 at 4.30pm. The Member leading the debate is Matt Vickers MP.

By Jennifer Brown  
Sue Holland

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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. Background

There has been growing concerns about the mental and physical welfare of front-line emergency service workers. Serious assaults on police officers and the death of PC Andrew Harper in the summer of 2019 highlighted the dangers emergency service workers can face.<sup>1</sup>

The Police Federation has been running the campaign [Protect The Protectors](#) to raise awareness of officer welfare and lobby for greater support for those serving in police forces.

## 1.1 Government policy

### ***Assaults on Emergency Workers (Offences) Act 2018***

The Government has recognised the importance of officer welfare. In 2018 they supported Chris Bryant MP to pass a Private Members Bill: the [Assaults on Emergency Workers \(Offences\) Act 2018](#). This Act doubled the maximum sentence for assault against emergency services workers (from 6 to 12 months in prison) and required that the courts consider stronger penalties for other offences against emergency workers.<sup>2</sup>

In January 2020 a [Joint Agreement on Offences against Emergency Workers](#) was published by the Crown Prosecution Service (CPS) and emergency services. The agreement sets out a “broad framework to ensure the more effective investigation and prosecution of cases where emergency workers are the victim of a crime”.<sup>3</sup>

The Government’s Sentencing White Paper: [A Smarter Approach to Sentencing](#) (published September 2020) included proposals to increase the maximum penalty for assaulting an emergency worker from 12 months to 2 years.<sup>4</sup>

### **A Police Covenant**

The Government has announced plans to introduce a ‘Police Covenant’ to recognise the sacrifices of those who work in policing.<sup>5</sup> The Government published [detailed proposals for the covenant](#) in September 2020. They proposed the following wording:

This Covenant acknowledges the sacrifices made by those who serve or have served in our Police Forces, either in a paid or voluntary capacity, whether as an officer or as a member of staff. It is intended to ensure that they and their families are not disadvantaged as a result of that commitment and seeks to mitigate the impact on their day to day life or in their access to justice. Police officers are required at all times to uphold the

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<sup>1</sup> *BBC News*, [Police officer on frontline life: 'I've been spat on, bitten and kicked'](#), 16 August 2019

<sup>2</sup> Ministry of Justice, [Jail time to double for assaulting an emergency worker](#), 13 September 2019

<sup>3</sup> CPS, [Joint Agreement on Offences against Emergency Workers](#), January 2020

<sup>4</sup> Ministry of Justice, [A Smarter Approach to Sentencing](#), September 2020, para 33 to 36

<sup>5</sup> Home Office, [Home Secretary announces plans for a police covenant](#), 18 July 2019

important principles of policing by consent, the foundation of their long-standing relationship with the public. We ask a great deal of our police and we expect the highest standards to be maintained. In return, we have a responsibility to provide protection and support to the police.

The Covenant recognises that working within policing comes with a high level of personal accountability, duty and responsibility requiring courage and personal risk both on and off duty. This recognition extends to all those who support police forces in upholding the principles and practices of their vocation. Recognising those who have served in policing unites the country and demonstrates the value of their sacrifice. This has no greater expression than in upholding this Covenant.<sup>6</sup>

The establishment of a Police Covenant was included as one of the “main elements” of the [Police Powers and Protections Bill](#) committed to in the January 2020 Queen’s Speech.<sup>7</sup>

The Police Federation has welcomed the Government’s commitment to the welfare of frontline personnel but has urged them to make sure that their promises “become a reality”. They have been seeking reassurances that the Government’s commitments are backed by the “significant financial investment the service so desperately needs”.<sup>8</sup>

### **Equipment**

In March 2020 the Home Office provided £6.7 million to English and Welsh police forces to purchase over 8,000 new TASERs.<sup>9</sup> Priti Patel said

This funding forms part of our commitment to ensure forces have the powers, resources and tools they need to keep themselves and the public safe.<sup>10</sup>

The Home Office also approved a new TASER model in August 2020. This allows forces to purchase upgraded equipment.<sup>11</sup>

### **Front line Review of policing**

In July 2019 the Government published the [Front-Line Review](#) of policing. The Front-Line Review was the culmination of a yearlong research project into the welfare of frontline personnel. The Review highlighted that many officers feel undervalued, overworked and are not devoting adequate time to their welfare. It also identified that officers at lower ranks feel disconnected from senior leadership and are sceptical that they have the power to inform change.<sup>12</sup>

In response to the Review the Government have committed to<sup>13</sup>:

- Address demand by providing ‘good practice guidance’ on what cases should generally not involve the police and challenging police chiefs to address unnecessary internal demand.

<sup>6</sup> Home Office, [Police Covenant for England and Wales: Response to the consultation](#), September 2020, p9

<sup>7</sup> HM Govt, [The Queen’s Speech 2019](#), p73

<sup>8</sup> Police Federation, [Priti promises but now we need action](#), 18 August 2019

<sup>9</sup> Home Office, [Forces awarded extra funding for Taser](#), March 2020

<sup>10</sup> Ibid

<sup>11</sup> Home Office, [Priti Patel approves new Taser model to protect officers and the public](#), August 2020

<sup>12</sup> Home Office, [The Front-Line Review Recommendation report](#), July 2019, p5-6

<sup>13</sup> Home Office, [The Front-Line Review Recommendation report](#), July 2019, p8

- Provide a 'national evaluation mechanism' of wellbeing provision available to police personnel and challenge police Chiefs to devote more time to staff welfare.
- Start a 'Front-Line Review Innovation Project' to enable front-line personnel to propose innovations and improvements.
- Continue to support the HMICFRS assess the wellbeing of police personnel as part of their regular inspections.

## 1.2 Harper's law campaign

The widow of PC Andrew Harper has started an online petition calling for life sentences for those convicted of killing emergency services workers. The petition currently has around 730,000 signatures.

### Current law

The law currently provides that the mandatory sentence for murder is a life sentence. For most people given a life sentence this does not mean that they will spend the rest of their life in prison. When a person is given a life sentence the judge sets a "minimum term" that they will spend in prison. At the end of the minimum term the person's case will be considered by the Parole Board which decides if they are safe to release. If/when the person is released, they will spend the rest of their life "on licence" and can be returned to prison if they breach the conditions of their licence.

When setting the minimum term, the judge uses a process set out in the *Criminal Justice Act 2003*. This involves choosing a "starting point" based on the severity of the case and the age of the offender. The judge then adjusts this starting point to take account of various factors so that the minimum term may be longer or shorter than the starting point. The law sets out the starting points which judges use in various circumstances ([Schedule 21](#) of the 2003 Act).

For manslaughter, which was the offence for which those responsible for PC Harper's death were [sentenced](#), the maximum sentence is life imprisonment. Therefore, a life sentence for manslaughter is possible but it is not mandatory.

### Sentencing in the PC Harper case

The judge in the case concerning PC Harper explained in his [sentencing remarks](#) that he used the [Sentencing Guideline](#) for the offence of manslaughter produced by the Sentencing Council as he was required to do. He treated as an aggravating factor that the offence was committed against a police officer doing their duty. The judge said:

Most importantly, using the technical language of the guideline, the offence was committed against an emergency worker acting in the exercise of his duty and while he was providing a public service.

The Judge considered what the sentences *would* have been had the offenders been convicted of murder.

Although the guideline is structured in a different way from the rules which apply when a minimum term is to be fixed in a

murder case, it is important to have regard to the sentence for murder in order to ensure that the gap between the sentence for murder and manslaughter is wide enough to mark the very significant difference between the two offences, but not wholly disproportionate.

### **Government position**

On 1 October 2020 the Government said it was:

currently considering options for strengthening the law in relation to those who kill emergency workers while engaged in unlawful activity. This consideration will include proposals made by the family of PC Andrew Harper, who we remain in close discussion with.<sup>14</sup>

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<sup>14</sup> HL Deb, [Crime: Emergency Services Staff](#), 8 October 2020

## 2. Media

### 2.1 Press releases

[NPCC and College of Policing pledge to improve officer and staff safety following largest ever survey of police workforce](#)

National Police Chiefs' Council

02 September 2020

[Priti Patel approves new Taser model to protect officers and the public](#)

Home Office

24 August 2020

[Attorney General refers the sentences of PC Andrew Harper's killers to the Court of Appeal](#)

Attorney General's Office

21 August 2020

[Consultation launched on doubling maximum sentence for assaulting an emergency worker](#)

Ministry of Justice

13 July 2020

[Response to consultation on doubling maximum sentence for assaulting emergency workers](#)

Labour Party

13 July 2020

[Draft sentencing guidelines for assault and attempted murder offences published](#)

Sentencing Council

16 April 2020

[Police leaders to start bidding for more tasers from today](#)

Home Office

13 January 2020

[Body cameras pilot for ambulance staff](#)

NHS Employers

23 December 2019

## 2.2 News articles

[National Chair: Violence against members is top of my agenda](#)

Police Federation

23 October 2020

[PC Andrew Harper death: Why his family wants the law to change](#)

BBC News

18 October 2020

[Police backing for Lissie Harper's law change to killers](#)

Oxford Mail

6 October 2020

[Sentences to double for attacks on emergency workers](#)

BBC News

15 September 2020

[PC Andrew Harper's widow calls for new law to protect emergency workers](#)

Times

15 September 2020

[Service introduces new measures to help lead to tougher staff assault sentences](#)

London Ambulance Service

10 September 2020

[Priti Patel to create police covenant to protect officers and staff](#)

Home Office

8 September 2020

[Safety review report must not become just 'another door stop'](#)

Police Federation

2 September 2020

[LGA: Tougher sentences needed following huge rise in attacks on firefighters](#)

Local Government Association

31 August 2020

[Body cameras should be worn by firefighters nationwide after surge in attacks, fire chiefs say](#)

Daily Telegraph

9 August 2020

[GMB welcomes consultation on tougher sentencing for attacks on emergency workers](#)

GMB

13 July 2020

[Crime still low, assaults on emergency workers rise](#)

Police Federation

19 June 2020

[Coronavirus cough attacks a crime, says prosecution chief](#)

BBC news

26 March 2020

[Sentencing for attacks on Emergency Workers a 'disgrace'](#)

Police Federation

21 February 2020

[CPS prosecuting 50 assaults on emergency workers every day](#)

CPS

7 January 2020

## 3. Parliamentary material

### 3.1 Ministerial statements

[Introducing a Police Covenant for England and Wales: Government response to the public consultation](#): 08 Sep 2020 | Written statements | HCWS438

[Introducing a Police Covenant for England and Wales](#): 26 Feb 2020 | Written statements | HCWS127

### 3.2 Debates

[Crime: Emergency Services Staff](#): HL Deb 1 October 2020 cc279-82

[Emergency Services: Assaults](#): HC Deb 28 September 2020 c14

[Covid-19: Emergency Worker Assault Cases](#): HC Deb 4 June 2020 cc996-8

[Offences Against Emergency Workers: Prosecutions](#): HC Deb 13 February 2020 cc966-7

[Unduly Lenient Sentence Scheme: Extension](#): HC Deb 16 January 2020 cc1145-7

### 3.3 Parliamentary questions

[Prisons: Crimes of Violence](#)

**Asked by:** Lammy, Mr David

To ask the Secretary of State for Justice, how many cases of violence against prison officers have been recorded in each of the last 10 years.

**Answering member:** Lucy Frazer | **Department:** Ministry of Justice

The number of recorded cases of violence against prison staff is published as part of the Safety in Custody statistics, the figures for each of the last ten years are provided below:

2010 - 2,848

2011 - 3,132

2012 - 2,987

2013 - 3,266

2014 - 3,640

2015 - 4,963

2016 - 6,844

2017 - 8,417

2018 - 10,203

2019 - 10,033

Figures for the first quarter of 2020, up until the end of March, show there were 2,290 incidents of violence against prison staff, a decrease of 4% from the previous quarter.

Violence against our hardworking prison officers is unacceptable, and we work closely with the police and Crown Prosecution Service to bring the perpetrators to justice. Additionally, our new Assaults on Emergency Workers Act means that those who attack them can expect an additional 12 months behind bars.

We are also giving officers PAVA pepper spray and body-worn cameras to make their jobs safer, as well as access to post incident care teams, occupational health support and counselling for those who need it. More widely, we are spending £100 million to bolster prison security, clamping down on the weapons, drugs and mobile phones that fuel violence and crime behind bars. This will fund tough airport-style security, body scanners and phone-blocking technology.

22 Sep 2020 | Written questions | Answered | House of Commons | 89607

**Date tabled:** 14 Sep 2020 | **Date for answer:** 16 Sep 2020 | **Date answered:** 22 Sep 2020

Police: Safety

**Asked by:** Girvan, Paul

To ask the Secretary of State for the Home Department, what steps her Department will take to improve levels of confidence in safety among police officers.

**Answering member:** Kit Malthouse | **Department:** Home Office

Our police do one of the most difficult jobs out there, putting their lives on the line and confronting violent situations every day to keep the public safe. This Government remains committed to supporting them.

We welcome the publication of the National Police Chiefs' Council and College of Policing Officer and Staff Safety Review, which has highlighted a number of areas where improvements can be made, and where partners can work together to improve the protection for our police. To carry out their vital roles and stay safe, it is essential that police are equipped with the right protection, training and tools, which this Review has quite rightly highlighted. We will continue to work closely with policing partners to consider the recommendations in the report.

This Government has also accelerated work to introduce a Police Covenant, recognising the service and sacrifice of those who work, or have worked, in policing and to deliver the practical support they need. The key areas of focus will be physical protection, health and wellbeing and support for families. Our response to the public consultation was published on 8 September.

10 Sep 2020 | Written questions | Answered | House of Commons | 85103

**Date tabled:** 04 Sep 2020 | **Date for answer:** 08 Sep 2020 | **Date answered:** 10 Sep 2020

Assaults on Police

**Asked by:** Rosindell, Andrew

To ask the Secretary of State for the Home Department, what steps her Department is taking to protect police officers from assault or injury.

**Answering member:** Kit Malthouse | **Department:** Home Office

Any attack on a police officer is completely unacceptable. Assaults specifically against emergency workers, including the police, are punishable by up to 12 months in prison and could be charged as common assault. The Government's recent consultation seeking views on doubling the maximum sentence for assaults on emergency workers shows our commitment to ensuring these attacks are not tolerated. We continue to work with the Ministry of Justice to ensure that assaults on police officers are handled with appropriate severity by the whole criminal justice system.

We have also accelerated our work to introduce a Police Covenant, recognising the service and sacrifice of those who work, or have worked, in policing and to deliver the practical support they need. The key areas of focus will be physical protection, health and wellbeing and support for families. We expect to publish our response to the recent public consultation shortly.

The Government is clear that police officers should have the best possible protection when facing the physical violence that is sometimes directed against them. Decisions on the purchase and supply of protective equipment, including Body Armour, are primarily for Chief Officers.

We also welcome the publication of the National Police Chiefs' Council's Officer and Staff Safety Review. We will continue to work closely with policing partners to consider the recommendations in the report.

07 Sep 2020 | Written questions | Answered | House of Commons | 81607

**Date tabled:** 28 Aug 2020 | **Date for answer:** 02 Sep 2020 | **Date answered:** 07 Sep 2020

Assaults on Police

**Asked by:** Jones, Sarah

To ask the Secretary of State for the Home Department, how many police officers have been subject to unarmed physical attacks while on duty in each of the last three years.

**Answering member:** Kit Malthouse | **Department:** Home Office

The Home Office does not hold the information requested.

The Home Office collects and publishes data on the number of police officers that have left the service through 'medical retirement' in the annual 'Police workforce, England and Wales' statistical bulletin:

<https://www.gov.uk/government/collections/police-workforce-england-and-wales>

However, data on how many of those medical retirements that are due to injury are not available from the data held centrally.

The Home Office collects data on the number of assaults on police officers and these are published quarterly by the Office for National Statistics. The latest figures, for the year ending March 2020, can be accessed on the ONS website (available here):

<https://www.ons.gov.uk/peoplepopulationandcommunity/crimeandjustice/datasets/crimeinenglandandwalesappendixtables>

However, it not possible to identify the ethnicity of victims, nor is it possible to identify whether or not a weapon was used in the assault.

03 Sep 2020 | Written questions | Answered | House of Commons | 82289

**Date tabled:** 28 Aug 2020 | **Date for answer:** 03 Sep 2020 | **Date answered:** 03 Sep 2020

Assaults on Police: Coronavirus

**Asked by:** Evans, Dr Luke

To ask the Secretary of State for Justice, if he will take steps to increase sentencing for people found guilty of spitting at police officers during the covid-19 outbreak.

**Answering member:** Chris Philp | **Department:** Ministry of Justice

It is vital that offenders using coronavirus to threaten our emergency workers as they strive to protect us during this pandemic face the full force of the law.

Such behaviour is an assault and where this is directed at an emergency worker we have recently doubled the maximum penalty for assault from 6 to 12 months' imprisonment. We have already seen significant sentences imposed on those using coronavirus as a threat.

Sentencing in individual cases is a matter for our independent Courts. On 8 April 2020, the Sentencing Council also published interim guidance for sentencers in the context of the Covid-19 pandemic. The interim guidance clarifies that, when sentencing common assault offences involving threats or activity relating to transmission of Covid-19, courts should treat this as an aggravating feature of the offence, meaning a more severe penalty could be imposed than would have been the case absent the aggravating factor (subject always to the maximum penalty for the offence).

28 Apr 2020 | Written questions | Answered | House of Commons | 37816

**Date tabled:** 20 Apr 2020 | **Date for answer:** 22 Apr 2020 | **Date answered:** 28 Apr 2020

Police Community Support Officers: Protective Clothing

**Asked by:** Smith, Greg

To ask the Secretary of State for the Home Department, what plans she has to introduce new personal protective equipment for police community support officers to help protect them from physical attack.

**Answering member:** Kit Malthouse | **Department:** Home Office

Police Community Support Officers play an important role in policing our communities. Any assaults on our police are completely unacceptable and they should have the most appropriate protection when facing the physical violence that is sometimes directed against them.

The Government's Defence Science and Technology Laboratory helps to develop and manage protective equipment standards, such as body armour, so that our police officers and staff are better protected.

24 Mar 2020 | Written questions | Answered | House of Commons | 30066

**Date tabled:** 16 Mar 2020 | **Date for answer:** 18 Mar 2020 | **Date answered:** 24 Mar 2020

Police

**Asked by:** Glindon, Mary

To ask the Secretary of State for the Home Department, what steps she is taking to support police staff who are (a) abused and (b) injured by people intoxicated with alcohol.

**Answering member:** Kit Malthouse | **Department:** Home Office

It is absolutely unacceptable for police officers and staff to be assaulted when carrying out their duties, and we are determined to ensure that they have the support and protection they need.

The Government has invested in programmes which offer help directly to officers and staff. This includes £7.5 million to fund the development of the National Police Wellbeing Service (NPWS), which was launched in April 2019.

The NPWS has developed evidence-based guidance, advice, tools and resources which can be accessed by forces, as well as individual officers and staff. This helps Chief Constables in their duty to ensure the wellbeing of all officers and staff, by signposting to relevant services and additional support.

However, we want to go further, and have therefore accelerated work to introduce a Police Covenant, to recognise the service and sacrifice of our brave police officers and staff and to deliver the urgent practical support they need. The key areas of focus will be physical protection, health and wellbeing and support for families. On 26 February, we launched a public consultation into the scope and principle of the

Covenant. The consultation will run for 8 weeks, closing on 22 April, and will subsequently be put into law as part of the planned Police Powers and Protection Bill.

We have also committed to consult on doubling the maximum sentence for assaults on emergency workers and are working closely with the Ministry of Justice who are leading on this important work.

24 Mar 2020 | Written questions | Answered | House of Commons | 29912

**Date tabled:** 16 Mar 2020 | **Date for answer:** 18 Mar 2020 | **Date answered:** 24 Mar 2020

County Lines Drugs Gangs

**Asked by:** Nick Thomas-Symonds

I am grateful to the Home Secretary for that answer. Of course, the police are going to be under pressure in the months ahead, and they deserve all our support. We should all say that any abuse directed towards the police is totally and utterly unacceptable. However, there will be people carrying out the role of police officers in the months ahead. Thanks to my hon. Friend the Member for Rhondda (Chris Bryant), the police have the protection of the Assaults on Emergency Workers (Offences) Act 2018, allowing courts to take into account the fact that they were on duty when the abuse occurred. Can we look at extending that measure to those who are carrying out the role of police officers in the months ahead?

**Answered by:** Priti Patel | **Department:** Home Department

The hon. Gentleman makes a very important point. I have put on the record in the House my views about the appalling abuse to which our police officers and emergency workers are subject. That is simply unacceptable, and my intention, as he will know from the police powers and protections Bill, is to introduce the right legislation to bring in enhanced powers and measures in the criminal justice system to make sure that the right kinds of penalties are put in place.

I agree with the hon. Gentleman. At this particular time, when there are additional pressures and strains on public workers—our public sector, our emergency workers and our police officers—we should do everything possible, and I will absolutely look into that.

23 Mar 2020 | Oral questions - Supplementary | Answered | House of Commons | 674 c10

**Date answered:** 23 Mar 2020

Families of Police Officers

**Asked by:** Fiona Bruce

What steps are Ministers taking to ensure that families who lose a loved one in the line of duty—such as the family of PC Andrew Harper, who was tragically killed last year—receive the support they need?

**Answered by:** Kit Malthouse | **Department:** Home Department

My hon. Friend raises an extremely important point. The death of Andrew Harper last year on the very edge of my constituency was a terrible and tragic event. She will know that there are already measures in place to assist families in that position, not least the police injury benefits scheme, as well as welfare support offered by particular forces and the Police Federation. But there is always more we can do, and we would welcome submissions to the consultation on the covenant, to address any gaps that may exist.

10 Feb 2020 | Oral questions - 1st Supplementary | Answered | House of Commons | 671 c568

**Date answered:** 10 Feb 2020

[Police: Stun Guns](#)

**Asked by:** Haigh, Louise

To ask the Secretary of State for the Home Department, with reference to the findings of the inquest into the death of Marc Cole, what assessment her Department has made of the safety of the use of tasers by the Police.

**Answering member:** Kit Malthouse | **Department:** Home Office

The Government is committed to ensuring police have the resources, tools and powers they need to keep themselves and the public safe.

Tasers provide officers with an important tactical option when facing potentially physically violent situations. However, the Government is clear that all use of force must be lawful, proportionate and necessary in all circumstances.

Only less lethal weaponry which has been authorised by the Home Secretary may be used by police forces in England and Wales. There is an established process for the approval of less lethal weapons which takes into account relevant strategic, ethical, operational and societal issues, as well as an independent medical evaluation by the Scientific Advisory Committee for the Medical Implications of Less Lethal Weapons (SACMILL).

Our sympathy is with Marc Cole's family who have lost a loved one.

12 Feb 2020 | Written questions | Answered | House of Commons | 12967

**Date tabled:** 05 Feb 2020 | **Date for answer:** 10 Feb 2020 | **Date answered:** 12 Feb 2020

## 4. Further reading

Home Office, [Police Covenant for England and Wales Response to the consultation](#), 8 September 2020

[Anyone guilty of killing an emergency services worker to be jailed for life](#) Petition on change.org website

National Police Chiefs' Council, [Officer and Staff Safety Review: a review of the arrangements to secure the safety of police officers and police staff engaged in frontline policing](#), 2 September 2020

Sentencing Council, [Assault offences: consultation](#), 16 April 2020

CPS, [Assaults on Emergency Workers \(Offences\) Act 2018](#), Updated 6 January 2020

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