

RCN Scotland response

Proposed Abortion Services (Safe Access Zones) (Scotland) Bill

Introduction

1. The Royal College of Nursing (RCN) is the world's largest professional organisation and trade union for nursing staff, with members in the NHS, independent and third sectors. RCN Scotland promotes patient and nursing interests by campaigning on issues that affect members, shaping national health policies, representing members on practice and employment issues and development opportunities.
2. The RCN welcomes the opportunity to respond to Gillian MacKay's MSP consultation on the Proposed Abortion Services (Safe Access Zone) (Scotland) Bill. RCN Scotland members work in a variety of abortion services, as well as sites which host abortion services and are therefore potentially impacted by protests.
3. RCN Scotland supports the intention behind the proposed Abortion Services (Safe Access Zones) (Scotland) Bill. While we have not received a significant number of representations from members who feel threatened by protests at sites, we strongly support the principle that staff and services users should be able to access sites without any impediment or fear.
4. Our submission is based on the RCN's position statement¹ published in 2013 and updated in 2020 that supports RCN members 'in providing the highest standards of compassionate care possible for women who choose to have a termination of pregnancy and [...] providing support to those nursing [professionals] who work to provide safe and quality care. [...] We equally acknowledge and respect those nurses, midwives and health care assistants who have a conscientious objection within current legislation.' Our support for the proposed Bill does not in anyway detract from this position of respect for members who have a legitimate and conscientious objection within current legislation.
5. The RCN hopes that Ms Mackay will find this submission helpful. We would be pleased to supply any further information that may be relevant.

Consultation questions

6. The framing of the consultation and related questions cover a number of themes. By supporting the fundamental right to choose, including the termination of pregnancy and contraception, our response focusses on ensuring that our members who work to provide compassionate, safe and quality care within these integral services can do so without being targeted and without intimidation and harassment in accessing their place of work.
7. With this in mind, our response focuses on considerations on how the proposed bill will impact on staff instead of answering the questions as set out in the consultation.

¹ [Induced Abortion | Royal College of Nursing \(rcn.org.uk\)](https://www.rcn.org.uk/induced-abortion)

RCN Scotland's views

8. The RCN has a clear position in supporting its members as set out in our introduction. It does so by providing a framework and regularly updated guidance for RCN members to 'support registered nurses and midwives [within the NHS and independent sectors] fulfil their role in caring for those undergoing termination of pregnancy across the UK.'² This is set out within the scope and requirements of the Abortion Act 1967.
9. The RCN's framework also sets out the critical role the nursing professional has in providing integral services like the termination of pregnancy, which has not only led to clinical and professional development opportunities but has facilitated nurses alongside medical colleagues to take a pro-active role in developing services according to local need for service provision. In this context, the RCN is keen to reiterate the importance that members that work within these integral services providing compassionate, safe and high quality care are protected in their right to access the workplace without being distressed, obstructed or even traumatised.
10. Equally, it is worth noting that as per the evidence in the consultation, pro-choice protesting activity remain isolated events unevenly spread outside sites that provide abortion services across Scotland. Relatedly, feedback from members impacted by these events has similarly been low, via correspondence with the small numbers of RCN members³ working directly in abortion services largely provided by the NHS. However, as noted above, members working in other services, but on sites which provide abortion services may also be impacted by protests.
11. In the context of the above points, the RCN agrees with the aims of the Bill, in particular with the need to a) prevent nursing staff from being targeted or obstructed at work via the introduction of buffer zones and b) that these buffer zones should be applied consistently across the country.
12. RCN Scotland also strongly agrees with the need to ensure that nothing in the proposed Bill impacts on legitimate trade union activity, including strike action and other legitimate forms of demonstrations by trade unions and their members. We would favour a clear exclusion from the Bill's provisions, of this type of activity. Picketing is already defined in legislation (section 220A(9) of the Trade Union and Labour Relations (Consolidation) Act 1992, as amended by s 10(2) of the Trade Union Act 2016), however an exclusion for legitimate trade union activity would need to be broader to include, for example, trade union stands located outside places of work for the purpose of communicating with members and other demonstrations by trade unions and their members which do not constitute picketing.

Royal College of Nursing Scotland
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² [Termination of Pregnancy | Royal College of Nursing \(rcn.org.uk\)](#)

³ [07 June 2022 Workforce | Turas Data Intelligence \(nhs.scot\)](#) - NHS Education for Scotland (2022) NHS Scotland Workforce:152 registered nurses and 30 nursing support workers in post in sexual and reproductive health, 31 March 2022