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The Right Honourable  
Robert Buckland QC MP  
Lord Chancellor &  
Secretary of State for  
Justice

**Email: [AEW.Consultation@justice.gov.uk](mailto:AEW.Consultation@justice.gov.uk)**  
**Deadline: 7 August 2020**

Dear RT HON Robert Buckland QC MP

### **Assaults on Emergency Workers Consultation**

Thank you for giving the Royal College of Nursing an opportunity to respond to the consultation on extending the maximum penalty for the offence of assault and battery, under the *Assault on Emergency Workers (Offences) Act 2018*, from 12 months to 2 years. The Royal College of Nursing is the world's largest nursing union and professional body. We represent more than 450,000 nurses, student nurses, midwives and nursing support workers in the UK and internationally.

As one of the organisations who campaigned for the 2018 Act, we broadly support the extension of the maximum sentence as a reflection of the impact of the crime and the long-lasting psychological harm an assault can have on our members.

We will be responding to the parallel Sentencing Council's review of the sentencing guidelines on assault to ensure that the length of sentencing under the Act reflects the seriousness of the crime. This is especially relevant given the current pandemic, with reports of offences involving spitting and assaults that are racially aggravated.

However, we would want to see any increase in sentencing accompanied by a redoubling of efforts to prevent work related violence occurring in the first instance, with organisations within the health and care sector supported to implement evidence based violence reduction strategies.

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The RCN represents nurses and nursing, promotes  
excellence in practice and shapes health policies



We also want to see the effective follow up and investigation of assaults that occur to those employed by organisations providing NHS services. We continue to hear reports from our members and their representatives, that assaults against nursing and midwifery staff are not taken seriously by employers, and in some instances by the police service. This is not helped by the public facing portrayal of the Act as one that only covers 'blue light' services.

We welcome the work of the NHS Wales Anti Violence Collaborative, the recent Joint Agreement and the commitment within the NHS People's plan in England to tackle violence, however, believe more work is necessary to raise awareness that the Act covers those defined as "*employed for the purposes of providing, or engaged to provide NHS health services*".

Finally, we note that data is available on the number of sentences imposed under the Act, but understand that this is not broken down by sector or occupation. Alongside the return of a comprehensive data collection by NHS organisations on the number of assaults to NHS staff, we would also want to see an occupational, sectoral and regional breakdown of the data on sentencing. We need these data sets to better understand the extent of criminal sanctions taken within the NHS under the Act, to evaluate their effectiveness and target interventions accordingly.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Donna Kinnair', with a stylized, cursive script.

**Dame Donna Kinnair**  
**Chief Executive & General Secretary**