Dear Ray,

ASSaults on Emergency Workers (Offences) Bill – Duties of Employers

I am writing to provide further answers to two questions you raised during the second reading debate on the Assaults on Emergency Workers (Offences) Bill on 29 June.

1. "Does the Government plan to introduce a duty on the employer to assist employees who are going to give evidence in court against their assailants, which is often a time of anxiety for victims?"

2. "Will the Government re-emphasise to the Department of Health and Social Care that there is a duty on employers to ensure that staff have the relevant CPD to prevent aggression; to provide safe environments for those who they care for; and to provide support for staff when violence occurs, having first taken every possible preventative measure?"

In answer to your first question my officials have consulted their counterparts at the Department of Health and Social Care. They have advised that employers are responsible for ensuring any employees who are going to give evidence in court against their assailants are given the help and assistance they need. This support will vary depending on what help the employee wants, the assailant (for example whether they were known to the employee etc.) and other factors relating to the circumstances of the assault or abuse.

At this stage, the Government is not planning to impose any duty on the NHS to provide assistance in these circumstances but would expect them to help their employees as indicated above through appropriate training and relevant liaison with the local Police and Crown Prosecution Service. Regarding NHS employees, further work is needed to assess whether any central support arrangements for trusts might cover training in respect of giving evidence or whether that is best done locally. NHS organisations should already have access to advice, guidance and good practice as well as having access to accredited security management networks and agreements
with CPS and local Police to help ensure employees are prepared for court appearances.

In relation to the police, Chief Constables hold a statutory responsibility to manage the welfare of their officers and staff, and it remains the role of elected Police and Crime Commissioners to ensure they are held to account. This includes a recognised duty of care for the wellbeing of officers and staff when giving evidence in court following an assault. Chief Officers execute this duty through providing appropriate training and wellbeing support structures, and through their force’s policies and process around attending court. It would be for the force to decide whether a member of personnel was fit to give evidence, and what additional support, if any, was required.

All Chief Constables have supported a “Seven Point Investigation Plan”, developed by the Police Federation, which aims to ensure forces have consistent approach to supporting police officers and staff when victims of assault. In the event of serious assaults, the National Police Chiefs’ Council also encourages Chief Officers to submit witness statements making it clear that the assault on the officer was unacceptable, and thereby supporting the prosecution’s public interest factor.

Government takes the issue of police welfare very seriously and has invested in programmes which offer help directly to officers. In July 2017, we awarded £7.5million to the College of Policing over three years to pilot and, if successful, fund a dedicated national welfare service. On 3 July the Home Office also published ‘A common goal for police wellbeing’, with the support of key policing and health partners. This goal clearly sets out our combined ambition to transform wellbeing provision by 2021.

Similarly, with regard to the fire and rescue personnel, it is the responsibility of individual fire and rescue authorities, as the employers, to ensure that proper provisions are in place to support their workforce.

The Home Office has established an independent inspection regime – Her Majesty’s Inspectorate of Constabulary and Fire & Rescue Services (HMICFRS) - for fire and rescue. While the focus will be effectiveness and efficiency, the inspectorate will also consider how fire and rescue services treat their workforce and manage their resources. The first inspections begin in July. HMICFRS already considers police forces’ approach to staff wellbeing through their PEEL inspection programme.

To respond to your second question, neither the Department of Health and Social Care nor the NHS have underestimated the importance of appropriate training and creating the right environments to help minimise the risk of violence and abuse of staff. The Department of Health and Social Care has commissioned NHS Improvement and NHS England to collaborate on a pilot to assess what central support would complement local leadership on these issues by employers who are responsible for ensuring their staff are protected. The NHSI/E pilot has completed and they are currently considering the outcomes from that work before putting recommendations to the Department so preparations can begin, in partnership, on implementing those recommendations where they are agreed. In respect of continuous professional development, the existing Conflict Resolution Training is a national programme but there are other levels of training dealing with specialist de-escalation, medical conditions etc which should be locally tailored and dependant on what trusts may need to do to improve their staff safety arrangements and which staff groups need support.
This requires local risk assessments, rigorous investigation after incidents to learn and understand why incidents occurred and what needs to be done to avoid them in future including, for example, environmental changes. NHSI/E have been working with trusts during the pilot to consider what resourcing is needed to deliver effective training. NHS organisations already have access to advice, guidance and good practice as well as having access to accredited security management networks and agreements with CPS and local Police to help tackle violence against their staff.

A copy will be placed in the House Library, and sent to all Peers who spoke during the Second Reading of the Bill.

Yours,

Charlotte

BARONESS VERE OF NORBITON