

National Assembly for Wales

Health, Social Care and Sport Committee

Report on the Legislative Consent Memorandum for the Assaults on Emergency Workers (Offences) Bill

18 January 2018

Background

1. On 7 December 2017, the Cabinet Secretary for Health and Social Services laid a Legislative Consent Memorandum (“the LCM”) for the Assaults on Emergency Workers (Offences) Bill currently before the UK Parliament.
2. On 12 December 2017, the Business Committee referred the LCM to the Equality, Local Government and Communities Committee and the Health, Social Care and Sport Committee for consideration. In referring the Memorandum, the Business Committee set a reporting deadline of 22 February 2018.
3. A Legislative Consent Motion, seeking the Assembly’s consent to the relevant provisions in the Bill (as outlined in the LCM) will be scheduled for debate in plenary at the end of February.

The LCM

4. Paragraphs 4 to 6 of the LCM summarise the Bill and its policy objectives. Paragraphs 7 to 11 set out the provisions in the Bill for which consent is sought. Paragraph 12 sets out the Welsh Government’s view on using the UK’s Bill to deal with these provisions.

Provisions in the Bill for which consent is sought

Clause 1 Common Assault and Battery.

5. This creates a new triable either way offence of assault or battery committed against an emergency worker with increased maximum penalty when tried on indictment.

Clause 2 Aggravating Factor

6. This creates a statutory aggravating factor on sentencing for a list of specific offences committed against an emergency worker in the exercise of their functions as an emergency worker. The status of an emergency worker must be considered by

the court as a factor that increases the seriousness of a specific offence and thus the severity of the resulting sentence.

Clause 3 Meaning of 'emergency worker'

7. Defines an emergency worker for the purposes of clauses 1 and 2 to include workers both in devolved areas, and in non-devolved areas:

Workers in devolved service areas

- Fire service workers
- Rescue service workers
- NHS workers (and those who provides services in support of NHS health service provision) in public-facing roles

Workers in non-devolved service areas

- The police
- National Crime Agency officers
- Prison and custody officers

Clause 4 – 6 Taking of samples

8. These clauses provide for the taking of samples from those who have assaulted emergency workers, where a police inspector considers that there are reasonable grounds to believe that the emergency worker has been exposed to a risk of transmission of infectious disease (e.g. from biting, spitting). Their purpose, as set out in the Explanatory Notes, is to enable emergency workers who have been assaulted to find out quickly, and with a high degree of certainty, if they are at risk of contracting an infectious disease so that (if they are at risk) they can take appropriate medication to combat it and avoid infecting their friends and families; and (if they are not at risk) they can be spared distress and worry.

Reasons for making these provisions

9. It is the view of the Welsh Government that it is appropriate to deal with these provisions in this UK Bill for reasons of timing and coherence. The provisions of the Bill align well with Welsh Government policy objectives regarding the protection of emergency workers. Taking them forward in this UK Bill will mean that emergency workers in devolved services in Wales are afforded the same level of protection at the same time as those in England.

Committee consideration and conclusion

10. We considered the Memorandum at our meeting on 11 January 2018. We note the Welsh Government's reasons for making provision for Wales in the Bill, rather than via Assembly legislation and, based on these, we have no objection to the agreement of the Motion.