



## New violent assault legal guidance extends to NHS volunteers

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Tough revised guidelines governing the prosecution of violent offenders who target NHS staff have been jointly issued today by the Crown Prosecution Service (CPS) and the NHS Security Management Service (NHS SMS). The updated Memorandum of Understanding (MOU) for the first time extends to cover not only NHS staff but also people who volunteer their time to the NHS.

The new agreement pushes a strong message that drink and drug abuse will not be seen as an excuse for violent behaviour. Such factors can even make a stronger case against an individual. A new inclusion also prompts prosecutors to consider the potential harm to others if the assault leads to the withdrawal of medical services to people in need of attention, such as damage to an ambulance which puts it out of service.

Taking a strong stand on assaults against NHS staff, the CPS is also asking prosecutors to consider the more serious charge of assault occasioning actual bodily harm even where injuries suffered are typical of common assault, when there are aggravating features. One such a feature can be the vulnerability of a victim who works with the public or in the community.

Director of Public Prosecutions, Sir Ken Macdonald, QC said: "People who work hard to deliver patient care and services deserve the protection of the criminal law.

NHS staff play a vital role in our society and without their skill, knowledge and dedication, lives would be lost. Where there is an assault against a member of NHS staff the perpetrator can expect to be prosecuted."

The updated MOU also considers offenders who are affected by mental illness. It clearly outlines how mental disorders vary in nature and degree and the fact that where a person has such a disorder this should not be an automatic bar to prosecution.

Managing Director of the NHS SMS, Dermid McCausland said: "We welcome this revised MOU which offers clear direction for prosecutors in a number of areas including where a volunteer is the victim of a violent attack.

"NHS staff and volunteers can be reassured the CPS will do everything in its power to prosecute offenders wherever the evidence supports a criminal offence."

The new MOU updates a document launched in 2006, and will be issued to all CPS lawyers so they have the latest information should a case be referred to them by the police. Measures such as this agreement have helped increase criminal sanctions 17-fold, from 51 in 200–03 to 869 in 2006–07.

## Press Release

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Applying to the CPS in England and Wales the MOU covers incidents of violence and abuse (whether physical, verbal or sexual, and including assaults which are religiously or racially motivated) and applies to both frontline workers such as Accident and Emergency staff and NHS voluntary staff.

## Notes to Editors:

1. The full MOU is can be viewed on the CPS website – [www.cps.gov.uk/publications/agencies/mounhs.html](http://www.cps.gov.uk/publications/agencies/mounhs.html)
2. Media enquiries to:  
  
CPS press office contact: Russell Hayes 020 7710 6088  
  
NHS SMS press office contact: 020 7895 4523
3. The Crown Prosecution Service is the Government department responsible for prosecuting criminal cases investigated by the police in England and Wales. We are responsible for:
  - advising the police on cases for possible prosecution;
  - reviewing cases submitted by the police;
  - determining any charges in all but minor cases;
  - preparing cases for court;
  - presenting cases at court.
4. The CPS consists of 42 Areas, each headed by a Chief Crown Prosecutor (CCP). A telephone service, CPS Direct, provides out-of-hours advice and decisions to police officers across England and Wales. The CPS employs around 8,400 people and prosecuted 1,091,250 cases with an overall conviction rate of 83.7% in 2006-2007.
5. Further information can be found on our website: [www.cps.gov.uk](http://www.cps.gov.uk)
6. Together with ACPO and media representatives, we have developed a protocol for the release of prosecution material to the media. This sets out the type of prosecution material that will normally be released, or considered for release, together with the factors we will take into account when considering requests. The protocol is available on our website at: [www.cps.gov.uk/publications/agencies/mediaprotocol.html](http://www.cps.gov.uk/publications/agencies/mediaprotocol.html)
7. The number of reported assaults in 2006–07 was 55,709. These figures released by the NHS Security Management Service (SMS) in November 2007 show that for the second year running, the number of physical assaults against NHS staff in England fell. The figures show that there were 2,986 fewer assaults on NHS staff in 2006–07 than there were in 2005–06 and 4,676 fewer than in 2004–05.
8. Despite the recent fall in assaults, even one assault against an NHS staff member is one too many. This agreement aims to ensure those guilty of assaults are punished accordingly, deterring others from this unacceptable behaviour.
9. The agreement will only cover investigations that are referred to the CPS by the police. The CPS will only review investigations by a third party if, at some point, the matter is handed over to the police who then refer it to the CPS.
10. The term 'NHS staff' refers to 'any person who is employed by or engaged to provide services to an NHS body' and who is the victim of an assault, public order offence or harassment whilst they are on duty. This will include those who provide voluntary services to the NHS.

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