

# Protecting Emergency Workers

## Scottish Conservative & Unionist Party

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# Foreword

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Emergency workers have been on the frontline during this pandemic and they deserve our utmost respect and protection. Yet the SNP's effective ban on short-term prison sentences means that criminals who assault emergency workers aren't going to jail.

We are committed to protecting emergency workers, which is why we are announcing a doubling of the current maximum sentence a criminal can receive for assaulting an emergency worker to two years.

This will help give emergency workers the protection they deserve. After all they have given us during this pandemic, the least we can do is provide them proper protection in the law from assault and this proposal will do that.



# Background

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- **The current maximum sentence for assaulting an emergency worker is 12 months.** The penalty for assaulting an emergency worker was set out in the Emergency Workers Act 2005 and amended by the Criminal Proceedings (Reform) Act 2007. The maximum penalty for assaulting an emergency worker is 12 months imprisonment or a fine not exceeding £10,000. (Emergency Workers Bill Explanatory Notes, 22 March 2004, [link](#); Criminal Proceedings Bill Explanatory Notes, 27 February 2006, [link](#)).
- **The SNP have effectively banned prison sentenced under 12 months.** In 2019, the presumption against short sentences was extended to 12 months by the SNP. This means that for anyone convicted under the Emergency Workers Act, they are unlikely to go to prison. (Scottish Government, 26 June 2019, [link](#)).
- **Several types of workers are included in the definition of emergency worker.** The definition includes police constables, prison officers, ambulance workers, fire and rescue workers, registered nurses, medical practitioners and midwives. (Emergency Workers Bill Explanatory Notes, 22 March 2004, [link](#)).
- **Assaults on emergency workers are at an all-time high.** The latest recorded crime statistics show that in 2019-20, over 7,519 incidents of assaults on emergency workers were recorded by the police. This is 400 incidents higher than any other year on record and shows that the problem of assaults on emergency workers is rising. (Recorded Crime in Scotland 2019-20, Table A8, 29 September 2020, [link](#)).
- **Assaults on police officers have doubled since 2015/16.** The number of assaults recorded by police officers and staff stood at 898 in 2015/16. By the year of 2019/20, the number of assaults stood at 2,084. Police Scotland note that there was a methodology change in the recording of assaults in Q3 2019/20. (Police Scotland Freedom of Information Request).
- **Assaults on prison officers have risen by 70 per cent in 5 years.** In the financial year of 2015/16, there were 206 incidents of assault on prison officers. In 2019/20, there were 350 incidents of assault which is the second highest number in a decade – short of the 2018/19 assaults where 420 incidents were recorded. (Scottish Prison Service Freedom of Information Request).
- **Dozens of assault incidents were reported against fire and rescue service workers.** In 2019/20, 36 incidents of verbal or physical assault were reported to the police by the Scottish Fire and Rescue Service. (Scottish

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Fire and Rescue Service Freedom of Information Request).

- **Prosecutions are declining despite assaults rising.** In 2015/16, the number of assaults proceeding to court under the emergency workers act was 329 in a year where 6,414 incidents were recorded by the Police. In 2019/20, despite over 1,000 more incidents being committed, 7,519, only 189 cases proceeded to court. (Recorded Crime in Scotland 2019-20, Table A8, 29 September 2020, [link](#) ;COPFS Freedom of Information Request).
- **The average length of prison sentences given to criminals convicted under the Emergency Workers Act is less than 6 months.** The latest figures show that in 2018/19 the average length of custodial sentence given to offenders under the Act is 169 days. For the years in which data has been provided, the average custodial sentence length overall is 165 days. (Scottish Government Freedom of Information Request).
- **On average, only a quarter of criminals receive a prison sentence for assaulting an emergency worker.** Of the 1,785 people convicted for a crime under the Emergency Workers Act, only 496 ended up going to prison. This means only 28 per cent of criminals end up in prison for this horrific

act. This shows just how soft-touch the SNP's current approach is with regards to protecting our emergency workers. (Scottish Government Freedom of Information Request).

- **More people receive community sentences than prison sentences, but the SNP want to cut the number of unpaid work hours in community sentences.** A leaked report which detailed proposals from the SNP Government's justice quango stated that the SNP had 'responded positively' to proposals to cut the number of unpaid work hours in community sentences by 30 per cent. (Press and Journal, 26 October 2020, [link](#); Scottish Government Freedom of Information Request).

# Our Solution

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- **We would double the maximum sentence for assaulting an emergency worker to two years.** In order to tackle the problem of rising assaults on emergency workers, stop the criminals who commit the crime from avoiding jail and provide emergency workers with more protection in law, we would double the maximum sentence an offender can receive under the Emergency Workers Act from 12 months to two years.

