Thank you for your email of 5 July seeking BMA Scotland’s views on the petition which seeks to make it a specific offence to assault any employee within NHS Scotland whilst carrying out any patient service in the Scottish NHS.

BMA Scotland was involved in the development of the original legislation referred to by the petitioner, namely the Emergency Workers (Scotland) Act 2005 and subsequently campaigned for the extension to that legislation to cover GPs, doctors and other medical staff working in the community.

As the trade union and professional association for doctors and medical students our remit is to ensure that our members are adequately protected in law from assault, and any obstruction or hindering of them as they carry out their duties. The Act as it currently stands does achieve this.

We do understand the petitioner’s desire to extend the legislation to cover all NHS Scotland employees and are sympathetic to the sentiment.

Our colleagues within the health service have as much right as our members to feel safe in their place of work and should never be subjected to assault.

The additional offences of obstruction and hindering which are currently offences under the Emergency Workers Act are not included by the petitioner and yet may well be a common experience for receptionists, porters, auxiliaries and other health service staff.

The Emergency Workers Act does already offer protection on hospital premises to anyone who assists doctors, nurses, midwives or ambulance staff without requiring that be in an emergency situation.

One benefit of including additional non-medical staff groups in an extension to the legislation might be to raise the profile of assaults on this group of people. But this could also be achieved in other ways including education campaigns.

We would also want to be sure that those who are carrying out duties within the NHS but are not strictly employees would be covered in the legal sense.

For example, would a university employee be covered by this if they were providing some sort of patient related function? There are medical academics and support staff in university who might be exposed in this way.

The petition uses the terms ‘all employees in NHS Scotland’ and ‘any employee within NHS Scotland’ so it is open to interpretation. There may be people working ‘within the NHS’ who are not directly employed by them and so they could fall outwith the scope of this proposal.

Working in the NHS in Scotland can be stressful and staff work closely together, often in challenging environments, to provide a vital service to the public.
Extending the legislation to cover all NHS staff may act as a deterrent to those who think it is acceptable to assault staff working in healthcare settings. It might also provide a morale boost to those staff putting them on an equal footing with their medical, nursing and paramedic colleagues in terms of legal protections.

But that alone is unlikely to stem the number of incidents, and health boards will need to continue to take all necessary steps to protect staff and provide safe and secure workplace environments with appropriate security features.