



Northern Ireland
Assembly

Committee for Justice

OFFICIAL REPORT (Hansard)

Justice (No. 2 Bill): Lord Morrow MLA

17 November 2015

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Members present for all or part of the proceedings:

Mr Alastair Ross (Chairperson)
Mr Raymond McCartney (Deputy Chairperson)
Mr Sammy Douglas
Mr Paul Frew
Mr Seán Lynch
Ms Bronwyn McGahan
Mr Patsy McGlone

Witnesses:

Lord Morrow
MLA - Fermanagh and South Tyrone

The Chairperson (Mr Ross): Lord Morrow, you are very welcome. Thank you for coming along. You will be aware that, with the previous Justice Bill, a number of amendments came in at a late stage and the Committee did not have an opportunity to ask questions or take a position on them. That sometimes makes it less likely that amendments will go through.

Thank you for coming along today to explain to us what your amendment is about. We will open to questions afterwards. When you are ready, you can brief us on what the intention is.

Lord Morrow (Northern Ireland Assembly): Thank you, Chair, for inviting me and for giving me the opportunity to come here today. I never know whether it is better to sit there with members or to sit here as a witness. When you are sitting here, I think that you want to be there; and, when you are there, I think that you want to be somewhere else, but, anyway.

I appreciate the Committee giving its time today to hear what I have to say about this proposed amendment. As you will be aware, I brought forward a draft proposal to amend existing legislation on assaults and/or attacks on members of the emergency services. For the sake of convenience, I have termed this my blue light amendment, signifying the encompassment of all emergency crews operating under such a device.

My proposal is to amend the current legislation so that it expands over all members of the emergency services under one heading for assaults or attacks, rather than to keep matters as they stand, which refers only to the police. In many respects, the proposed amendment is a small change, but I earnestly hope that it will bring a wider protection to our valued emergency services in their work in our communities. At this point, I pay tribute to our three Northern Ireland emergency services: police, ambulance and fire and rescue. They place their lives on the line for the safety and protection of

others on a daily basis, and they deserve our support as legislators, as much as our admiration as human beings.

By way of background for this initiative, last year, I was considering the very real and daunting task faced by the emergency services, and I felt that their welfare was not always given the focus it deserved. Too often we hear the phrases "That is their job", "They made it their career" or "They are professionals". All that is, of course, true, but what matters to these professionals when they are assaulted or attacked whilst trying to carry out the duties required of their respective roles? Not only are emergency services' personnel at risk but the persons whom they are trying to aid are at risk, and their work is inhibited by assault or attack. They are the first on the scene in any emergency and should not be subjected to anything other than the utmost support of the community that they endeavour to serve. They do not discriminate or turn away. They are non-contentious, of course, and cause no threat. They ask nothing but to be able to do their job. Importantly, they are unarmed with any device with which they may protect themselves, leaving them more susceptible to attack and vulnerable to injury. Yes, some elements see fire and ambulance crews as a convenient target on which to vent their venom. That astounds all right-thinking people, given the life-saving role that the emergency services provide. Sadly, it happens, and it is a very poor society that fails to move to protect the lifesavers. It is, therefore, incumbent on us to place all our emergency agencies on a legislative footing equal to that currently afforded to the police.

Whilst I was considering these issues, I was alerted to the real extent of what emergency crews suffer, and I found that the details were extremely severe. Two paramedics, one of whom is known to me through another party, were brutally assaulted while tending to a very sick patient in their ambulance. The patient was unconscious and was in the process of receiving emergency treatment from both paramedics. I trust that the Committee will understand that I cannot disclose specifics of the follow-up PSNI investigation as the matter is sub judice, and I do not wish to say anything that may impinge on the criminal case. What I can say is that it was an unprovoked attack by an assailant with no connection to the situation, the patient or any other aspect whatever. Both paramedics were badly injured, and their ambulance was significantly damaged. Another ambulance had to be deployed to take both injured paramedics and their unconscious patient to hospital.

Whilst both were verbally abused by the assailant, one paramedic was pinned to a wall before being knocked to the ground, leaving him with head and hand injuries. The other crew member secured their patient's safety and went to assist his colleague but came under sustained physical attack from the assailant and suffered injuries to his head and knee. The assailant temporarily left the scene but returned and climbed into the driver's seat of the ambulance. He attempted to drive it, but a security device stopped the engine as soon as the handbrake was released. The ambulance rolled downhill and would surely have crashed into a building but for the quick thinking of one of the paramedics who, despite significant injuries, grabbed the handbrake. The assailant then kicked out at the ambulance equipment, damaging the mobile data terminal, which is a vital device through which emergency calls are relayed to crews, as well as the satnav screen. Both paramedics were off sick for some time, and their ambulance was rendered unusable whilst repairs were carried out.

It cannot be disputed that that was a deplorable incident. I was made aware of the situation within hours and, as a result, immediately kick-started the proposal of the amendment. The Minister of Health, Social Services and Public Safety directed me to his Department's response through a question for written answer and added:

"It is appalling that some members of the public should behave in this fashion and such attacks on ambulance service staff must not be tolerated".

Latterly, further incidents occurred against five crews in Belfast and Londonderry, and injuries were sustained by officers in both cases. As the law stands, it is an offence to assault or impede a police officer or any person designated on behalf of a police officer. That is in section 66(1) of the Police (Northern Ireland) Act 1998. For example, the charge presently reads:

"Defendant A on (date) in the County Court Division of (wherever), assaulted B, a constable in the execution of their duty, contrary to section 66(1) of the Police (Northern Ireland) Act 1998".

It is, therefore, a stand-alone offence in its own right to assault police. However, no such legislation exists specifically covering fire and ambulance crews. Consequently, if a person is charged and convicted of assaulting a police officer, it is held as a specific offence on their criminal record. However, if the assault is on ambulance or fire crews, it is simply recorded as assault, although it is accepted that, even as in all instances, it is recorded as a higher-end offence, such as grievous bodily

harm or intent to cause grievous bodily harm, depending on the nature of the incident and the injuries sustained.

It is my firm opinion that anyone who assaults or attacks a member of our emergency services, thereby impeding or inhibiting their work as lifesavers, should be convicted as such, and their record must reflect that. We must ensure that all our emergency services are afforded equal status in law and protection. They are the first responders in all 999 situations and are present in literally life-or-death situations. Their actions are about saving lives, treating those unwell and in danger, preventing further injuries, ensuring the safety of others and rescuing those at risk. All are a vital presence in our community, and their worth cannot be overstated.

My proposal is to expand the wording to encompass all three emergency services with the relevant service name. The charge could therefore read:

"Defendant A on (date) in the County Court Division of (wherever), assaulted B, a member of the emergency services, namely (insert role eg police officer, fire officer or paramedic) in the execution of their duty".

That may seem an over-simplified amendment. In some ways, I agree, as I feel that most people would expect that such legislation should already be in place, but, regrettably, it is not. Whilst the judiciary would, of course, take on board the circumstances of any assault on emergency staff, there is no specific charge for ambulance and fire crews as exists for police. I seek to rebalance that difference. I close with the words of one of the paramedics with whom I corresponded following the dreadful attack that I outlined. He wrote to me on 29 July 2015, and in his letter he stated:

"I welcome your condemnation of this attack and your efforts in bringing forward this amendment to the Justice Bill, which hopefully, if passed, will act as a valuable deterrent by sending out a clear message that that kind of behaviour is not acceptable and should not be tolerated in today's society."

He added:

"These attacks are unfortunately happening on a very regular basis to all emergency workers, not just the PSNI, and in these days of inclusiveness and equality, I fully agree that we should be afforded the same level of protection from the judicial system for all 999 workers. This initiative can make this a fairer, better and safer society for us all to live in."

Thank you, Chair.

The Chairperson (Mr Ross): OK, Lord Morrow. Thank you very much for detailing that. I certainly hope that there will be sympathy for what you are trying to do from all Members. I know that, whenever we see incidences of young people attacking emergency services, which could be going to help somebody in their families or communities, it is particularly appalling.

Before I open it up to other members, I want to ask about the practical implications of the amendment. Is it principally about the sentencing that is available to the judiciary by creating a specific offence, or is it more about creating a balance between the emergency services?

Lord Morrow: There may be an element of both, Chair. It is about creating a balance and getting the message out loud and clear that anyone who interferes, for the sake of a better word, with those in the emergency services who are carrying out their lawful and at times life-saving duties will be dealt with by the law in the same way as they would if they had attacked a police officer.

The Chairperson (Mr Ross): Is there evidence that the judiciary is not doing that at present? Is it not treating emergency workers on a level playing field with police officers?

Lord Morrow: I suspect that the judiciary takes on board the fact that those persons were carrying out duties of a life-saving nature. However, there is no legislation that specifically protects someone in the Fire and Rescue Service or the Ambulance Service to the same extent as a police officer. Very often the two do a really similar job — not all the time, but very often they do.

The Chairperson (Mr Ross): You mentioned that you will name the emergency service the person operates in: do you intend to put that into the Bill, rather than in regulations?

Lord Morrow: Yes.

The Chairperson (Mr Ross): OK. Do you want to cover staff who work in hospitals or primarily those who are out responding to emergency calls?

Lord Morrow: At this stage, my proposals are primarily for those who are out on the ground at what I would call the coalface. They will be the first to arrive. Some of the incidents that I listed demonstrate clearly that the Ambulance Service personnel were out, perhaps late at night, and were subjected to that treatment. They were the first responders, and they should have the maximum protection that we can give them.

Mr McCartney: Thank you very much for your presentation. Since the last time you were here, it has moved from red lights to blue lights. You will know what I mean when I say that.

Mr McGlone: You are a quick one today.

Mr McCartney: Thank you very much. *[Laughter.]* You propose amendments under the Police Act 1998. Does common assault carry the same sentence? I know that, under the Police Act, it carries six months in the Magistrates' Court and two years on indictment. Is that because there is a differential in sentencing or because, as the Chair said, you feel that it should be given recognition because of the service that those people provide?

Lord Morrow: That is the line. In relation to the lights, I have no hang-up about whether it is a red light, a white light or a blue light; maybe the next time I will be back with a white light or a green one — who knows? I had not really picked up the significance of that until you outlined it to me. I can see the relevance of it. I am advocating support for the blue light in this case; I do not think that I was advocating too much support for the red light the last time I was here.

I am trying to get a message out, as I perhaps did on another Bill, that this behaviour will not be tolerated in Northern Ireland. If you go out with a mind to interfere with the emergency services and to make their life more difficult than it already is, you can expect the full rigours of the law to be applied.

Mr McCartney: I think the principle is fine, but say a situation such as the Chair alluded to develops, where there is an assault on a paramedic in an accident and emergency department and, at the same time, there is an assault on a member of staff in accident and emergency. Is there a sense that people might think that one is promoted over the other?

Lord Morrow: It is not my intention to do that, Chair. What I am trying to do is ensure that anyone who is in the emergency services, potentially on what I call a life-saving mission, is protected by the law to the same extent as a police constable is in his execution of the law.

Mr McCartney: OK. Thank you.

Mr Douglas: Thank you, Lord Morrow, for your presentation. I suppose you spent a few years of your life going through your Human Trafficking Bill. In this amendment, when you talk about the emergency services, are you saying that we should name them? Do you have to name them in the amendment?

Lord Morrow: Yes, I am. I think that we have to name them. We should name the emergency services, because we have to be very specific here. Police officers are named, so I believe that the Fire and Rescue Service and the Ambulance Service should have that same status in legislation.

Mr Douglas: Over the past year, we have been working with some of the voluntary organisations that provide similar services, including the likes of Lagan Search and Rescue. They come up against some of these situations as well. Should we name organisations like that?

Lord Morrow: I am not sure whether voluntary organisations are uniformed. My emphasis here has been on uniformed organisations, such as the Fire and Rescue Service, the Ambulance Service and, of course, the police, who are already protected, but maybe that is something that we should look at.

Mr Douglas: I remember after the Carl Frampton fight I came out of the Odyssey Arena, and, obviously, people had a few drinks. Lagan Search and Rescue is based right round by the Odyssey — by the Lagan Weir. I thought to myself that there must be times when similar situations confront that organisation. It may even be trying to rescue people who are trying to jump into the water or whatever. Would you be willing to include organisations like that and to name them?

Lord Morrow: My amendment does not include them, because, again, I think that volunteer organisations are different. What I am talking about in the amendment are those who are servants of the people through their employment and the career that they choose. We know that, in the past, whether they are responding to an accident or something like that, they have been confronted by what I would call thugs, who just showed them no respect or regard. My legislation — my amendment — is designed to look after them and to give them protection that is as full as that which the police have.

Mr Frew: I must say that, having read this, I know it is something that I would support. I wish you all the best in your endeavours, Lord Morrow. I suppose the trick for me is this: where do you draw the line and stop? Whilst we know that the emergency services do a tremendous job in the execution of their duty, as is written in your amendment, I am tempted to say that you, sir, could go further. I hear what you say about paramedics being out on the coalface on their own with maybe two or three of them at the one scene. A hostile crowd could then gather round and a riot situation could develop, or there may even be just drunkenness — drugs maybe play a part in a lot of this — and the crowd might attack the paramedic, who is in a very vulnerable and isolated position. But it is also true of someone in a casualty ward — perhaps a nurse. There should not be any gender difference, but, if a big, drunk man comes in and assaults a nurse who has a fragile frame and ends up being overcome, staff all around may be very busy and not even notice until 10 or 20 seconds have passed. There can be a lot of damage done to someone in that time. It is not only the damage to the paramedic or the emergency service personnel; there could be an assault on a casualty ward, which puts everybody's treatment at risk. Everyone who is sitting in that waiting room will have to wait until such time as that can be sorted out and people can be put in a secure location and treated for their injuries from the assault there and then. It has a massive impact on everyone. In the same way as an ambulance out on the street could not go to the next call, I suggest that it would have a detrimental effect in a casualty ward or ordinary ward setting where doctors are doing calls and rounds. Did you struggle with trying to keep it tight, or are you minded to open it up slightly wider to accommodate all medical staff?

Lord Morrow: A lot of thought was put into it, and a decision was made after much wrestling with it. I suspect that maybe 90% of the work of the Fire and Rescue Service and the Ambulance Service is done in the public arena. What you speak of in a hospital is in an enclosed situation, which is different. I take your point that some big guy of 6 feet 4 inches striking out at a young nurse of just 5 feet in height can have a devastating impact, but I am trying to get a message out about where, for example, an ambulance crew goes to a riotous situation where alcohol has been consumed and talking is to no avail. There is a much better chance inside a confined area that someone can be talked to and restrained. Someone can lash out in public, hope not to be identified and say to themselves, "I have not assaulted a policeman; I have assaulted a member of the ambulance crew". A large section of the community still has a respect for the law, and, when they realise that it is a criminal offence to do this, that will have an impact. The fact that this is in place will have a restraining impact in itself. But no, I had not considered, for this amendment, something that could happen within the confines of a hospital.

The Chairperson (Mr Ross): What if the nurse is on a home visit? Just to follow the thread, a medical professional may be out of the hospital confines, possibly on their own, and going into what could be a hostile environment. Do you think that could be covered by this?

Lord Morrow: Yes, I would not argue too hard against that, because that is another variation of the situation that Paul was talking about. Certainly, it is maybe something that we should go back to and consider giving protection to a nurse who is making a house call, which I would call a semi-public arena. It is something that you have brought to my attention, Chair. I have come here not only to present my case but to listen to what the Committee has to say, and I will take that on board.

Mr McGlone: Thanks very much for bringing this to our attention, Lord Morrow. I am broadly supportive of the themes of it. I will talk it through and pick up on the theme that Paul and the Chair were dealing with. I will explain to you where it came up.

As you know, we are going through the Mental Capacity Bill. I recently had occasion to talk to a social worker about that Bill. She explained to me the often difficult circumstances that social workers find

themselves in, maybe in someone's home when that person is in a bad place. They may be disruptive and mentally unstable, which is the situation that some of these poor people are in. However, with that instability, in some, but not all, cases can come a risk to the social worker. She told me about the number of times that she has been in that situation and how difficult it has been trying to get police to respond.

In the emergency front-line services, you also have hospital staff and the likes of social workers who often have untold stories such as the one that I only recently found out about through that lady. Is there any way to include them? Do you accept that they, too, are on the front line? Do you accept that, in many cases, the emergency response sent out by the trust, be it a social worker or a doctor sent to sedate the person, can be in a similar risky situation?

Lord Morrow: Yes, I see exactly what you say, but we might be talking about two slightly different things. I think that you are talking about the risk posed by someone who might have mental health problems.

Mr McGlone: Potentially, it is someone with mental health problems, but people such as that social worker have also had to deal with situations that have been drink- or drug-fuelled. She explained to me the difficult circumstances in which she has found herself because she was, if you like, the appointed person who was just landed with this and had to try to alleviate a very difficult situation. You have provoked me to think and reflect quite a bit on that lady's experience as she told it to me and the difficult and fraught circumstances that she found herself in.

Lord Morrow: Undoubtedly, what you say is true. Sometimes, nursing or medical staff, whatever line they are in, are on a mission to help people and then discover that they become the target of vile attacks and abuse. Of course, that should not be the case, but I have to be truthful: the amendment did not take that into consideration. That is not to say that it will not be taken into consideration or given further thought as a result of this meeting.

Mr McGlone: I am just thinking of how it could be worded to accommodate such people in front-line emergency services. I do not know whether that could be considered, Maurice.

Lord Morrow: We would, then, have to rethink it because, going back to what Mr McCartney said, we are dealing in lights here. We had called it the "blue light" amendment, and it would no longer be that, so it would have to be named and listed as something else. However, that is not set in stone, so, if we can accommodate others who provide a professional and caring service, why should they not have protection?

Mr McGlone: These people are often the emergency service.

Lord Morrow: Yes. Point well made.

The Chairperson (Mr Ross): I suppose that the risk as a Committee is that we can think of all sorts of people who carry out a public service, because we have a massive Civil Service in Northern Ireland.

Mr Frew: You could align them by using a phrase such as "medical staff and carers". That might just encapsulate everyone we wish to cover. That would even include home help. You would have to worry about the spectrum of what you wanted to achieve, but, to me, it would be no dishonourable thing to encapsulate those people.

Just by way of illustration, I worked for a constituent who was a nurse, and she had been attacked in her place of work, which was the casualty department. The bloke who attacked her got, I think, a suspended sentence. She went off sick, tried to return, had a nervous breakdown and can never, ever return to work. She lost her livelihood, and the country lost a very capable nurse. Her family was in despair, and the culprit got a suspended sentence, or something of that nature, if my memory serves me right. This is a noble cause, and I wish you all the best, Lord Morrow, but I ask you to consider including "medical staff" or "medical staff and carers". That would help to limit the scope to exclude a secretary who happens to work in a general office in a hospital but include somebody who is medically trained and executing their duties for the benefit of patients. I would support that, and I am sure that the Committee would also take it on board.

Lord Morrow: I am listening intently and making some scribbled notes. Sometimes, you have to draw a line somewhere. It could be extended to everyone who provides a service. I give you notice today that I will not extend it to politicians [*Laughter.*] They will just have to take the risk.

The Chairperson (Mr Ross): Most of us do not have lights on top of our car.

Mr McCartney: It may be that I did not ask the question properly the first time. Is there a difference in the Police Act because trial by indictment increases the sentence by two years, whereas that for common assault is still only six months? Do you know?

Lord Morrow: I am not sure, to be truthful, but we will do a bit of further research on that. This session is being recorded for Hansard, is it not?

The Chairperson (Mr Ross): Yes.

Lord Morrow: We will have a wee look at Hansard.

The Chairperson (Mr Ross): Have you had any discussion with the Public Prosecution Service (PPS) on whether it would welcome the amendment?

Lord Morrow: No, we have had no discussion with the PPS. However, I think that there have been vibes from the Department of Justice that it would be content with the legislation.

The Chairperson (Mr Ross): There are no further questions. Lord Morrow, thank you very much. That was very useful.