



Adult Out of Court Disposals Scrutiny Panel

Assault Against Emergency Workers

June 2023

Overview

Scrutiny panels are an important tool for ensuring that the police are held accountable for their use of out of court disposals (OoCD). The Adult Out of Court Disposal Scrutiny panel that was held in June 2023 was a thematic panel looking specifically at 'Assault on Emergency Workers' cases which had been dealt with by way of an OoCD. A deep dive scoping exercise was undertaken and the resulting information was shared with panel members before the meeting.

The aim of the deep dive was to establish:

- Current force policy.
- If there is any guidance available around charging or giving an OoCD for this offence.
- The drivers for decisions for outcomes.
- If there is any guidance around the forces approach.
- If there are any specific rehabilitative interventions for these offences issued by the force.
- Whether the method of disposal is considered appropriate, based on a review of the information/evidence available to the decision maker at the time.

National context

The Assaults on Emergency Workers Act 2018 was introduced to protect emergency workers by creating a specific offence (previously prosecuted as common assault). The Police, Crime, Sentencing and Courts Act 2022 enhanced protection, increasing the maximum custodial sentence for assaulting an emergency worker from 12 months to 2 years. The NHS Anti-Violence Collaboration sets out responsibilities of partners when dealing with violent or aggressive incidents relating to NHS staff. Its focus is on those incidents which need to be addressed by the Criminal Justice System (CJS). Finally, 'With us not against us' is an NHS campaign which was launched in May 2021 by the joint Emergency Service Group in Wales to try and reduce the number of assaults on emergency workers.

Operation Hampshire is a nationwide strategy to help police forces understand, support, and seek justice for all types of assaults on police and police staff. Operation Hampshire has been rolled out to all forces across the country.

[Operation Hampshire | Oscar Kilo](#)

South Wales Police (SWP) have adopted the Operation Hampshire strategic approach to manage assaults and hate crime against officers and staff. The purpose of Operation Hampshire is to ensure that SWP respond effectively to incidents where officers and staff are assaulted or are the victim of hate crime whilst on duty.

Outcomes of the Deep Dive Scoping Exercise

The deep dive scoping exercise involved consultation with SWP's Justice Services and SWP's lead on assault on emergency workers. The outcomes are noted below:

- There is no specific guidance around the forces approach to charging or giving an OoCD for this offence, they refer to the Gravity Matrix and the Officer in charge (OIC) will make the decision on a case-by-case basis. The Gravity Matrix is a decision-making tool to assist in deciding if an adult offender can be dealt with by the use of an OoCD. It is based on the offence committed, taking into account any mitigating factors, as well as the harm that the offender may present based on their previous offending history.

- There is no difference between the way that SWP treat assault on police and police staff to assault on emergency workers (non-police). They follow the guidance in Operation Hampshire and the tool kits provided.
- The Chief Constable has refreshed the Seven-Point Plan which sets out how SWP will respond as an organisation and what you can expect as a victim.
- The Chief Constable has established an Operation Hampshire strategic group to ensure there is scrutiny and accountability in this area.

Interventions

The Rehabilitative interventions available at present for individuals that commit this offence and are eligible for an OoCD are:

- Women's Whole System approach
- 18 – 25 Early Intervention
- Drug Education course
- Alcohol Education course
- Victim Awareness course

For more information on the above interventions please follow the link below:

[Out of Court Disposals | South Wales Police \(south-wales.police.uk\)](https://south-wales.police.uk/Out-of-Court-Disposals)

Currently SWP are involved in ongoing work to develop a standalone intervention for individuals who commit assaults on emergency workers. The intervention aligns with the 'Work with us Not Against Us' campaign launched by the Joint Emergency Services Group in Wales in May 21. The main aims of the intervention are for participants to:

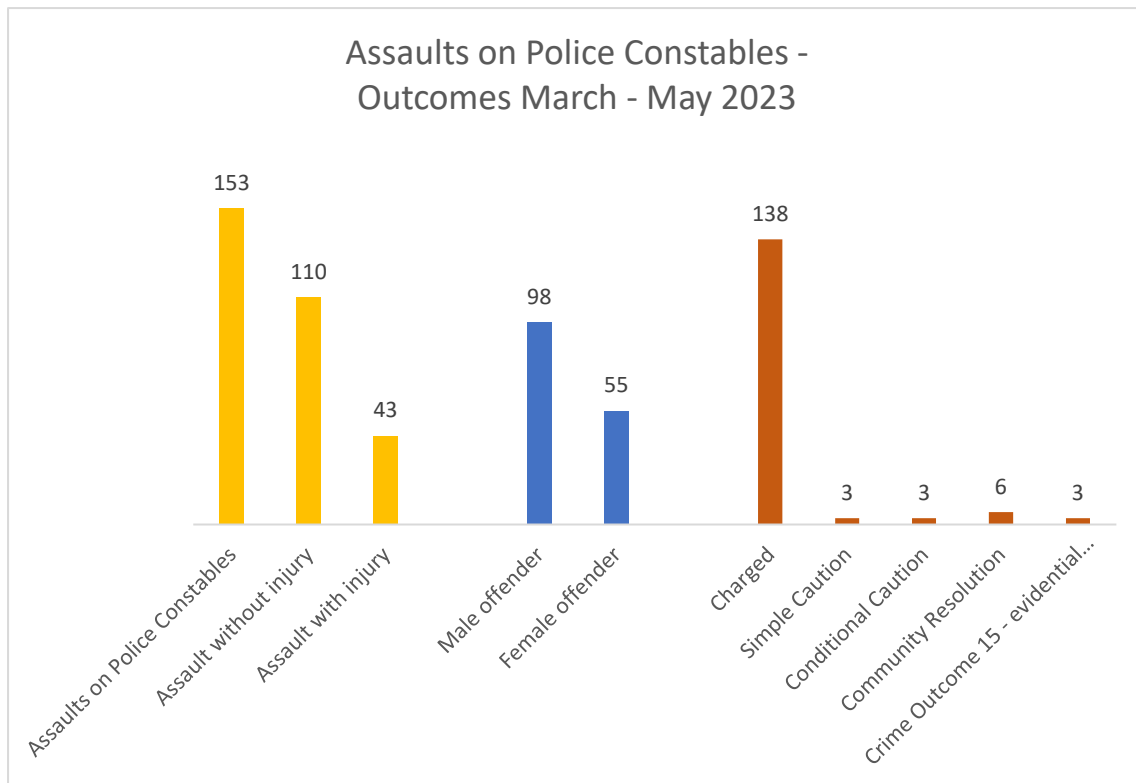
- Gain an awareness of the prevalence of offences against emergency workers in Wales.
- Improve understanding of the pressures faced by emergency workers daily.
- Improve understanding of the impact of their behaviours on the person assaulted - both within their professional and personal capacity.
- Develop greater understanding of the triggers / behaviours they are display / contributing factors that lead to their offence.
- Explore alternative approaches when faced with difficult situations / crisis / heightened emotions / under the influence.
- Improve understanding of the impact of their behaviour (and any potential charges were this to occur again) on themselves and their future.
- Participants understand they are in control of their actions and have the opportunity to explore how to avoid confrontation in the future.

Data Presented at the Panel

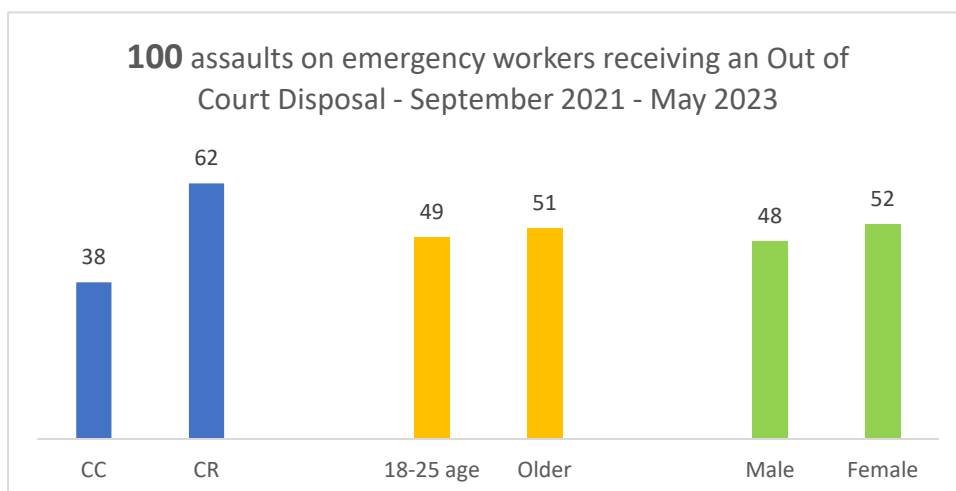
The panel considered data in relation to the theme of assault on emergency workers.

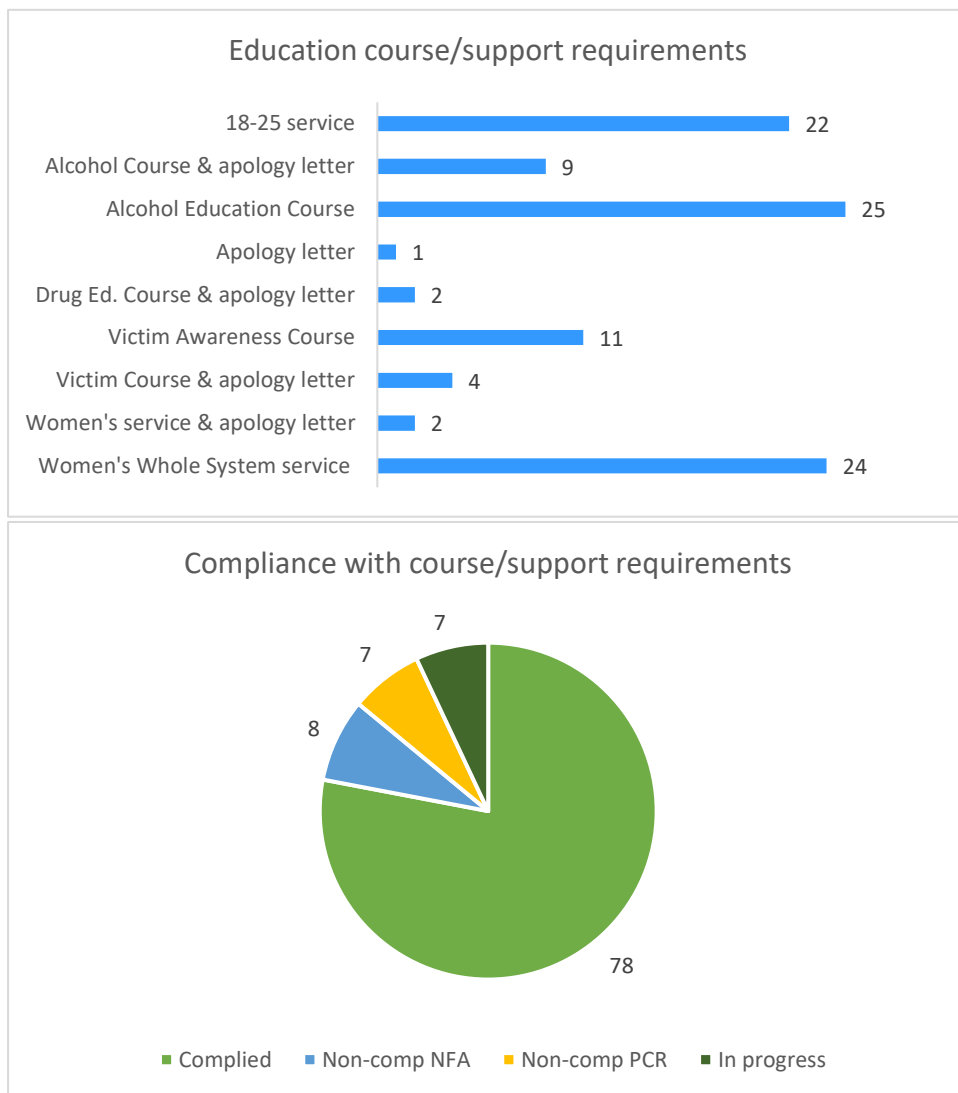
It is important to note that this is not official force data but was produced from available data for the purposes of the scrutiny panel. It was provided to give an indication of SWP use of OoCDs for assault on emergency worker offences.

There were 153 crime outcomes between March – May 2023 where the offence was assault on a police constable.



Out of Court disposals awarded for these offences since the start of September 2021 to the end of May 2023.





Summary of Panel Observations and Organisational learning

Panel observations	Organisational learning
Policy not being followed	
Operation Hampshire is not followed in several cases as the victim's point of view was not considered.	The force has an OoCD delivery plan which includes training to highlight the Victims Charter, how this is evidenced in all OoCDs, the victim's understanding of the OoCD process, their involvement in decision-making and ensuring the victims receive feedback. The force are to ensure this training is delivered.

<p>There were some gaps highlighted in the Operation Hampshire guidance as it does not take into consideration the difference between youths and adults and needs more of a gender focused lens.</p> <p>The panel highlighted that within the strategy more clarity is needed where there is consideration of 'exceptional circumstance'. This could be interpreted differently depending on the officer dealing with the case.</p> <p>Operation Hampshire is subjective, and education is needed around officers being victims.</p>	<p>Feedback has been taken to a monthly Operation Hampshire strategic group and this concern will be considered in the future development of the guidance.</p> <p>Feedback has been taken to a monthly Operation Hampshire strategic group. The recommendation is that there needs to more guidance and clarity on what 'exceptional circumstance' involves. This has been tasked to SWP Justice Services.</p> <p>This will be covered in training sessions with officers.</p>
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Inconsistencies in recording

<p>There is some information incomplete on records and missing information on the description of injury. There are inconsistencies with the recording of information e.g there is narrative referring to a victim's statement, but no statement attached to record. This results in difficulties understanding the decision makers rationale and, therefore, difficulties in applying appropriate scrutiny. Recording of decision makers rationale is vital, especially when that decision may go against national guidance. This then allows for the justification of that decision to be scrutinised independently through the panel.</p>	<p>Face to face training/awareness is being provided to officers to improve problem solving/decision-making/rationale recording on the force systems.</p> <p>It has been encouraged by the force that the online E Learning module for the OoCDs is completed. The case scenarios and outcomes from the panel will be included in the initial training package for new officers and included in the refresher training for Sergeants.</p> <p>A Community Resolution process app on handheld devices has been launched to support officers in the community with inconsistencies of recording and feedback from the officers is largely positive about this app.</p>
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Gravity matrix

<p>The panel queried consistency in the use of the Gravity Matrix. The composition of the Gravity Matrix means it is a very fluid document, which leaves the decision-making process difficult to follow as a standard, this is reflected in the cases reviewed.</p> <p>The panel noted when a decision falls outside the Gravity Matrix guidelines, it is the duty of the officer in charge to fully document and justify why the decision has not followed the guidance.</p>	<p>There is a new Gravity Matrix in development, and this will be easier to follow. There will be a guide that leads staff through each step. However, there will be some fluidity, as this is a guidance document where professional judgement is considered vital in the decision-making process. It is not fixed as a determined pathway to allow for discretionary decision making.</p> <p>Face to face training/awareness is being provided to officers to improve their understanding of the new Gravity Matrix.</p>
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Missed opportunities for referrals for specific interventions	
<p>The panel noted there were missed opportunities for referrals to suitable interventions for individuals with complex needs i.e. Women's Whole System Approach (WSA).</p> <p>The panel noted this could be due to lack of knowledge about interventions available. It is important for officers to be adequately informed of the suite of interventions at their disposal. This includes being well informed as to the benefits of each outcome.</p> <p>The panel noted that the delivery of interventions including victim awareness sessions should not be considered "one size fits all" and there should be the ability to adapt courses to suit varying needs such as neurodiversity and cultural sensitivities.</p>	<p>The organisations that provide the OoCD interventions will be invited to the initial officers training course to give more details about the interventions they deliver and how they can support those undertaking the intervention. Communication has been ongoing around the existing services and referral pathways that can be used with regular updates in the custody units and hubs to reinforce the OoCD intervention options and process.</p> <p>Face to face training/awareness is being provided to officers to ensure all conditions are appropriate to meet victim's wishes and the needs of those attending the intervention.</p>
Need for an appropriate and proportionate response to conditions being set in Conditional Caution cases	
<p>The panel questioned the conditions set under a Conditional Caution and noted that some cases may have benefitted from the inclusion of additional conditions such as a written letter of apology or a time limited exclusion from the area in which the offence took place. It was noted Conditional Cautions would have been more impactful if referrals were also made to specialist interventions.</p>	<p>Face to face training/awareness is being provided to officers to increase awareness of the options available to support appropriate and proportionate condition setting. There are monthly strategic meetings diarised with a Superintendent to discuss these issues.</p>

Summary

The organisational learning highlighted above will be fed back to individual officers and their supervisors to reflect and inform future decision making for cases. The feedback will be shared across the force for cross learning and will be incorporated into the officers initial training session and will be included in the Custody Sergeant refresher training. Correspondingly, the examples of excellent work will be provided to the officers involved and included in the training.

It was identified that women are disproportionately represented in those committing this type of offence in comparison to other offences and it would be beneficial to undertake some research to better understand this disparity. As a result of sharing the findings an All Wales Steering Group will be formed to discuss the implications of Operation Hampshire with a particular gender focused lens.

It was evident that ongoing training was not always seeing the expected results. This will be escalated through SWP internal governance structures.

It is unclear if non police emergency workers are always fully informed of the processes involved in OoCDs involving assault on emergency workers. It is important for there to be a consistent approach to officers explaining this to victims and should form part of ongoing training.

The findings of this panel and the organisational learning will be discussed in the Operation Hampshire Strategic Group and feedback will be reported at the next panel.

Mae'r ddogfen hon ar gael yn Gymraeg ar ein gwefan, neu gallwch gysylltu â:
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