



## **A JOINT MEMORANDUM OF UNDERSTANDING (MOU) WITH THE DEPARTMENT OF HEALTH SOCIAL SERVICES AND PUBLIC SAFETY, (DHSSPS), POLICE SERVICE NORTHERN IRELAND, (PSNI) AND PUBLIC PROSECUTION SERVICE, (PPS)**

This joint MOU has been developed following extensive consultation between the PSNI, PPS and the DHSSPS. The protocol is considered as representing best practice in formalising service delivery expectations between the three organisations. The MOU will also provide a basis for developing arrangements for the effective prosecution of cases involving offences committed against any member of Health and Social Care staff.

### **BACKGROUND INFORMATION AND GUIDANCE ON THE MEMORANDUM OF UNDERSTANDING FOR JOINT WORKING**

Health and Social Care (HSC) organisations are not generally familiar with the working practices of the PSNI and PPS. Therefore the purpose of this MOU is to secure the achievement of the common purpose: The effective prosecution of cases involving offences committed against any member of HSC staff.

A strategy for the protection of healthcare workers has been in place for some time. Following the launch of the DHSSPS Zero Tolerance Strategy in June 2005, each Trust nominated a Director at Board level to take responsibility for the protection of HSC staff under Zero Tolerance policies.

Where a member of HSC staff is a victim of an assault an incident report form is completed as soon as possible after the incident occurs. Some incidents will be of a severity where PSNI involvement is required. The decision to involve the PSNI is normally left to the individual/s involved in the incident.

Closer alliances will help communicate the right information to staff, at the right time. This will include:

- A clear statement on prosecution policy which would engender confidence amongst HSC staff, promote communication and establish a framework for the exchange of information at local level.
- Ensure a multi-agency approach is adopted by all parties when dealing with threats or acts of violence against Health and Social Services employees.
- Detail the roles, responsibilities and procedures within the PSNI, PPS and DHSSPS that will be used to deal successfully with incidents of this nature.

## **INTRODUCTION**

The aim of this document is to provide a working framework for representatives from the PSNI, PPS and DHSSPS to work in partnership to ensure the protection of health service staff against threats or acts of violence.

The protocols set out in this document are a reflection of the commitments between the PSNI, PPS and DHSSPS. They are, however, neither a binding agreement nor a contract, but an agreed statement of the way the organisations will work together to ensure good communications and the efficient effective discharge of respective responsibilities. They set out the principles and arrangements for interfaces between all parties.

The common purpose of all parties is to work in partnership to ensure the protection of health service staff operating in Health and Social Care

premises, or in the community, and to enhance their quality of life by reducing crime, and the fear of crime, which they may experience.

The protocols may be amended at any time if all parties agree, in writing, to the changes.

## **THE POLICE SERVICE OF NORTHERN IRELAND (PSNI)**

### **The Police Service of Northern Ireland will undertake to:**

- (1) Treat all threats against the well-being of health staff with due regard. To carry out an assessment of each threat received and action them appropriately based on the assessment. Where the threat relates to an individual they will be informed personally by the police and contact will be maintained with that individual to provide reassurance and confirm developments.
- (2) Adopt an agreed media strategy when threats are issued against groups of staff, or individual staff where appropriate.
- (3) Ensure sufficient resources (subject to other operational priorities) are available to provide appropriate response levels, and high visibility patrolling, to provide reassurance where threats are made against groups of employees.
- (4) Carry out a crime pattern analysis of incidents involving health and social care workers on a regular basis to identify trends. The information will be shared where operational requirements do not prohibit this.
- (5) Carry out regular crime prevention audits in conjunction with health managers and provide proposals for the reduction of crime against property and people.

- (6) Provide a standardised protocol for response to incidents of violence or disorder in HSC premises, and standardised protocols for the removal of persons from them.

## **The Public Prosecution Service, (PPS)**

### **The PPS will undertake to**

- 1) Review evidence and make decisions as to prosecution and progress cases expeditiously and in accordance with the Test for Prosecution (Evidential Test and Public Interest Test), the Code for Prosecutors (including the Code of Ethics) and the PPS Victims and Witness Policy.

Prosecutions are initiated or continued by the PPS only where it is satisfied that the Test for Prosecution is met. The Test for Prosecution is met if: the evidence which can be adduced in court is sufficient to provide a reasonable prospect of conviction – **The Evidential Test**; and prosecution is required in the public interest – **The Public Interest Test**.

- 2) When considering where the public interest lies in a particular case ensure that the fact that the offence was committed against a person serving the public is considered as a public interest consideration for prosecution, in accordance with paragraph 4.3.4 (xi) of the Code for Prosecutors, (attached Annex A).
- 3) When considering the public interest, ensure that due regard is had to the views and interests of the victim.
- 4) If a suspect is charged, review the charge prior to the first court appearance to decide if, in accordance with the evidence available/likely to become available, the charge is appropriate.

- 5) In relation to bail proceedings, take the views and interest of the victim into consideration and will bring all relevant matters to the courts attention including any information which indicates that there is a risk of interference with the victim or witness.
- 6) Ensure that due regard is paid to the aggravating circumstances in each case when considering the appropriate court venue (Magistrates' or Crown court) in relation to offences which may be tried in either venue.
- 7) Provide a contact point for victims and witnesses via Community Liaison Teams to provide information on the cases in which the victim/witness is involved. See Annex A for contact details.
- 8) Ensure that victims are updated at key milestones in the prosecution process, eg, when a decision is taken, when a case is listed for trial, when a defendant is sentenced.
- 9) Ensure that regard is had to the availability of victims and witnesses when listing cases for contest or trial.

### **The Department of Health, Social Services and Public Safety, (DHSSPS)**

- 1) To promote an environment that is properly secure in order to provide the highest possible standard of clinical care.
- 2) Endorse the Zero Tolerance campaign to raise awareness that violence against health and social care staff is totally unacceptable and educate the general public that there is Zero Tolerance in relation to attacks against staff and to seek their support in making such attacks **'socially unacceptable'**

- 3) To maximise all opportunities presented in sending out this strong message
- 4) Ensure robust Zero Tolerance policies are in place which adopt a Zero Tolerance approach towards the perpetrators of violence against healthcare and emergency staff, and that any HSC staff exposed to violence will be supported throughout the complete follow-up process.
- 5) To ensure that appropriate training is available and delivered to all staff.
- 6) To review and update policies as and when required
- 7) Continue to formally monitor assaults against health and social care staff on a 6 monthly basis.
- 8) Support HSC organisations with an unequivocal declaration of intent by the Department of Health Social Service and Public Safety (DHSSPS) to Zero Tolerance of both verbal and physical attacks against HPSS staff.
- 9) Provide guidance to relevant HSC bodies about the powers of the Criminal Justice and Immigration Act 2008 which create provisions for HSC staff to deal with nuisance or disturbance behaviour on HSC premises.
  - Schedule 21, paragraphs 1 creates a criminal offence of causing a nuisance or disturbance on HSC premises
  - Schedule 21, paragraph 2 provides the power to remove person causing nuisance or disturbance
  - Schedule 21, paragraph 3 provides Guidance about the power to remove etc.

**Formal Commitment to Memorandum**

<b>Name:</b>	<b>Name:</b>	<b>Name:</b>
<b>Signed:</b>	<b>Signed:</b>	<b>Signed:</b>
<b>DEPARTMENT OF HEALTH, SOCIAL SERVICES &amp; PUBLIC SAFETY (DHSSPSNI)</b>	<b>POLICE SERVICE OF NORTHERN IRELAND (PSNI)</b>	<b>PUBLIC PROSECUTION SERVICE (PPS)</b>
<b>Date:</b>	<b>Date:</b>	<b>Date:</b>