



**The Professional Trades Union for Prison,
Correctional & Secure Psychiatric Workers**

National Chair: Mark Fairhurst
General Secretary: Steve Gillan

Headquarters:
Cronin House
245 Church St.
Edmonton
London N9 9HW
t. 020 8803 0255
f. 020 8803 1761
e. general@poauk.org.uk
w. www.poauk.org.uk

North Regional Office
1 Linden House
Sardinia St.
Leeds
LS10 1BH

t. 01132 428833
f. 01132 429075
e. adminnro@poauk.org.uk

Northern Ireland
Castell House
116 Ballywalter Rd.
Millisle Co Down
BT22 2HS

t. 02891 861928
f. 02891 861839
e. adminni@poauk.org.uk

Scotland
21 Calder Rd.
Edinburgh
Scotland
EH11 3PF

t. 0131 443 8105
f. 0131 444 0657
e. adminscot@poauk.org.uk

POA Circular 066/2020

21st April 2020

Dear Colleagues

COVID-19 GUIDANCE ON SPITTING AND COUGHING AT STAFF

Enclosed is guidance to follow if staff are threatened by Prisoners who cough or spit at them during the COVID outbreak. These are now indictable offences that should be reported to the Police so we may secure prosecutions. The POA have ensured that the membership are included and we are pleased that staff in secure settings are afforded these protections. Please ensure the guidance is followed and all instances are reported to the Police.

For and on behalf of the POA.

Yours Sincerely

STEVE GILLAN
General Secretary

Yours Sincerely

MARK FAIRHURST
National Chair

ENCLOSURE

15 April 2020

Response to COVID-19 Police Referrals for Coughing or Spitting

On Monday 30 March 2020 the Director of Public Prosecutions (DPP) made a statement warning that anyone using coronavirus to threaten emergency workers would face serious criminal charges punishable by up to 12 months in prison under the Assaults on Emergency Workers Offences Act 2018.

The DPP stated:

“Emergency workers are more essential than ever as society comes together to tackle the coronavirus pandemic. I am therefore appalled by reports of police officers and other frontline workers being deliberately coughed at by people claiming to have Covid-19”.

“Let me be very clear: this is a crime and needs to stop. The CPS stands behind emergency and essential workers and will not hesitate to prosecute anybody who threatens them as they go about their vital duties.”

Whilst coughing or spitting may not consistently be reported to the police in line with the Crime in Prison Referral Agreement, the Covid-19 pandemic means that further measures need to be taken to ensure that coughing and spitting at emergency workers is kept to a minimum.

Using Covid-19 to threaten prison staff has a significant impact on the regime of the prison, at a time when resources are extremely limited. There is a need to protect our staff and to send a message that this behaviour will not be tolerated.

What we need to do:

In light of the DPP’s statement, we must view this type of offence seriously and refer **every case** of the following to the Police¹:

- **Coughing and / or spitting at staff whilst claiming to have Covid-19.** (It is not necessary for the spittle to make contact with staff. The action alone will suffice for the purposes of making a referral to the Police).
- **Threatening to spit or cough at staff whilst the likelihood of being infected with Covid-19 is a realistic prospect.** (This will apply during the time where the prisons have implemented additional measures to reduce the spread of the virus).
- All other cases for spitting or coughing on a member of staff should be considered for a referral to the police due to the ongoing concern of spread of COVID-19.

DCC Jason Hogg, NPCC lead for Prison Intelligence and Lifetime Offender Management, is supportive of this measure.

Police resources are under huge pressure. It is important that all the required information is provided to the Police to allow them to carry out their role effectively and efficiently.

The points below should form part of your referral as they may be considered aggravating features of the offence.

¹ This applies to all prisons, including those contracted, Young Offender Institutions and Immigration Removal Centres operated by HMPPS on behalf of the Home Office.

15 April 2020

If the prisoner commits either of the above acts and

- Has symptoms of Covid-19.
- Is known to have Covid-19.
- Is known to have come in close contact with someone who has Covid-19. ('Close contact' is open to interpretation and therefore a common sense approach should be adopted when considering whether this applies).
- The proximity of the prisoner to the victim at the time of coughing or spitting and whether the spittle made contact with the victim and where.
- How many coughs or how many times did the prisoner spit at the officer. (One spit/cough alone will suffice for a prosecution, but multiple acts are likely to be an aggravating feature).
- Whether there are witnesses (provide details)/CCTV/BWVC evidence.
- The action taken after this happened i.e. medical attention, change of PPE or clothing, disruption to regime, whether the member of staff has been able to remain on duty.

Governors can detail staff to wear BWVC and we encourage Governors to consider this within their establishment. The use of BWVC will ensure that any threat or action relating to the above is captured and can be used as evidence in criminal proceedings. Incidents of this nature should still be reported to the police even if the act or threat is not captured on BWVC/CCTV. We also urge that victim impact statements and community impact statements are provided to the Police in a timely manner to ensure that the full impact of the offence on the victim and prison can be considered by the court when sentencing the defendant.

When inmates are successfully prosecuted, it is important to publicise the conviction promptly within the establishment both amongst staff and prisoners, as seeing the sentences imposed will make prisoners think twice about making threats or following through with such action.

For any queries in relation to this, please contact Crimeinprison@justice.gov.uk.