Module 1: Risks associated with the use of physical skills/understand the legal and professional implications of using physical interventions

Chapter 1: Physical interventions and implications of their use

What is physical intervention?

Physical interventions cover a range of professional actions taken in the workplace in response to extreme behaviours offered towards the user.

In the security industry, the following definition is used to describe the phrase 'physical intervention':

> ***'The use of direct or indirect force (bodily, physical or mechanical) to limit another person's movement.'***

Physical intervention should never be used as routine, to cause pain, out of spite, as a source of punishment or in any way that restricts a person's breathing or impacts the airways. Furthermore, physical interventions should only be used when all other options have failed or are likely to fail, when it is not possible or appropriate to withdraw or when someone is in immediate risk of harm. Interventions should be used for no longer than is necessary and should cease as soon as the danger or incident is over.

While the careful, professional application of physical intervention may help deal with a range of situations in the workplace, the improper use of force against a member of the public could:

- make the situation worse
- spoil the team's reputation
- cause complaints
- cause disciplinary proceedings
- cause civil action
- cause criminal proceedings
- result in loss of SIA licence
- result in injury or death

Physical intervention is normally only used to:

- protect someone from a dangerous situation
- break away or disengage from harmful contact
- separate a person from a 'trigger' which is likely to set off a course of events

For the purposes of this training, you will follow the SIA's requirements for non-restrictive and non-aggressive physical interventions, allowing a greater degree of freedom where the subject can move away from the physical intervention if they wish to. This includes prompting or guiding individuals to move where you want them to go or protecting yourself from assault using non-pain compliant, low-level methods.



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All physical interventions need to be justified, however, the higher-level restrictive techniques will require higher levels of justification.

Legal implications

The main reason that some door supervisors have had negative reputations in the past is the excessive force that some have used in the execution of their duties.

As a door supervisor, you have an ethical duty to work within the law. Unless you use the necessary constraints when dealing with unruly or violent customers, you may find yourself liable to an assault charge, a fine and/or claim for compensation. Working within the professional security sector, you must learn to carry out your duties without hurting the very customers you are hired to protect.

You will occasionally need to use force to carry out your duties, and the law allows you to do so in specific circumstances. The authority for you as a security operative to use force when necessary can be found in the following parts of the law.

Trespass

DEFINITION:

'A trespass is committed by a person who is improperly on someone else's property without consent'.

One of your duties as a door supervisor is to ensure that only authorised people are allowed into the premises. During the course of your duties, you may well have to ask customers to leave a venue, and as a last resort may have to physically eject them if they refuse to leave when asked.

The law allows you to do this, provided that:

'no more force is used than is necessary to remove the trespasser from the premises'.

Furthermore, a person who is asked to leave licensed premises by a member of staff and refuses to do so is committing an offence under the Licensing Act 2003.

Under the rules of trespass, as a door supervisor you are allowed to physically eject customers from a venue when all other methods of persuasion have failed. You can effect lawful arrests for a variety of offences, and are allowed to protect yourself and others from attack. What the law does not allow is the excessive use of force or causing unnecessary or malicious injuries to any person.

Common law

The rules of self-defence: 'If any person has an honestly held belief that he or another is in imminent danger, then he may use such force as is reasonable and necessary to avert that danger.'

A person who is about to be attacked does not have to wait for their assailant to strike the first blow. Circumstances may justify a pre-emptive strike.

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This essentially means that if, while carrying out your duties, you feel that you or other persons are about to be hurt, then you are allowed to use force to protect yourself or others. If, for example, you come across a man physically attacking another man, then the law allows you to use force to stop the attack. If the assailant then turns on you and assaults or tries to assault you, then you may use force to protect yourself.

Preventing a breach of the peace and saving life: 'Any person may use such force as is reasonable in the circumstances to prevent a breach of the peace or to save life'.

In a 1981 court case, it was stated that every citizen in whose presence a breach of the peace is being, or reasonably appears to be about to be committed, has the right to take reasonable steps to make the person who is breaking or threatening to break the peace refrain from doing so. These steps may include the use of reasonable force. Once again, however, what force is reasonable will depend on the circumstances of the particular situation.

You are also allowed to use force to save someone's life. If, for example, an assailant is running at another human with a knife, then you would be entitled to use force to stop the assailant from killing the other human.



SCO

The Scottish definition of a breach of the peace is where any person (including a door supervisor) may arrest any person committing a breach of the peace. A breach of the peace is where something is done in breach of public order or decorum which might reasonably be expected to lead the lieges (public) being alarmed, upset or tempted to make reprisals at their own hand.

Sec. 3 Criminal Law Act, 1967

This act gives everyone, including door supervisors, the authority to use:

'such force as is reasonable in the circumstances in the prevention of crime, or in effecting (or assisting in) the lawful arrest of offenders, suspected offenders or persons unlawfully at large.'

The 'prevention of crime' element applies to any crime where the preventative use of force is reasonably required. This would include protecting property from damage or theft, and protecting people from physical injury. This piece of legislation allows you to use force to stop a crime from being committed, such as breaking up a fight (assault) or stopping someone from smashing a window (criminal damage), and also allows you to use force if needed, for example to arrest someone to stop them from running away before the police arrive. These 3 parts of common and statute law use the words 'reasonable' and 'necessary' when describing how much force can be used in those circumstances, and security operatives need to know what these words mean.

Reasonable

What constitutes 'reasonable' is not always easy to define. It will depend on the particular circumstances, and careful thought will need to be given when assessing the seriousness of the threat.

It would not, for example, be reasonable to punch someone who merely verbally abuses you. The use of physical force should only be considered when there is a real possibility of physical harm to yourself or to someone else, and even then, the amount of force used should be appropriate and reasonable to the situation.

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As a door supervisor, you need to ensure that you use graduated and appropriate levels of force in response to the varying levels of aggression and violence used against you.

Necessary

The law is quite clear on the term 'necessary' with regards to the use of force, and there are many precedents in old cases that explain it.

Necessary force is not what is deemed necessary by someone considering the facts from a safe and comfortable place well after the event, but what the person carrying out the acts in question considered necessary at the time.

As mentioned earlier, only the person using the force can say whether and why they thought it necessary to use the force at the time, whereas a court may have to ultimately decide whether the amount of force used was reasonable or not. In the first instance, any force used must be necessary, and secondly, the amount and type of force used must be reasonable.

Pre-emptive use of force



The law supports the pre-emptive use of force only where it is 'reasonable and necessary'. The pre-emptive use of force as a means of physical defence is proper in the right circumstances, and it has already been used as a defence in court. In the past, the courts have also commented that for a person to wait to be hurt before doing something is no defence at all. Defence is all about not being hurt. Provided that no more force than is reasonable is used to repel an attack, then such force is not unlawful.

Justification

If you consider that every time you use force against another person that you may well have to justify your actions, then you should be able to act reasonably in any given situation. If, however, you are reckless as to how much force you use, or deliberately use excessive force, then you will have to answer to the police and possibly even to a court. The questions that are likely to be asked about any use of force are:

- was there a need to use the force?
- was the amount of force used reasonable or not?
- what was the extent of the injuries compared to the amount of resistance given?
- what was the size and build of the injured party compared to the door supervisor?
- were any weapons used or threatened by the other party?
- at what stage did the door supervisor stop using the force?
- was the force applied in good faith or in a malicious way?

When deciding whether to use force or not, and then how much force to use, you will have to quickly assess situations, contemplate the risks, consider the consequences and then act. The decision as to how much force can be justifiably used in any situation must be made by taking into account the other person's behaviour and any relevant impact factors. You must always be able to justify your actions, and if you remember this during every potential confrontation with a member of the public, then you should prove to be effective within the security function, while reducing the risk of prosecution.

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Other legislation

When considering the use of physical intervention in the workplace, you will also need to ensure that you do not accidentally or recklessly breach any other laws.

> The Health and Safety at Work etc. Act 1974

As a door supervisor, your responsibilities are to:

- take reasonable care of your own health and safety
- ensure that your own acts or omissions do not adversely affect the health and safety of others

As a door supervisor, you must:

- follow health and safety policies provided and keep up to date
- practise safe working habits and obey all safety rules
- use protective equipment properly
- be aware of emergency procedures and ensure that they are followed when necessary

The Employment Rights Act

Section 44 of the Act protects employees from being disciplined or dismissed if they leave their place of work because they think that they are under serious threat of attack. It also allows them to take appropriate measures to protect themselves and others from danger.

Professional implications

As well as abiding by the various laws in relation to using force in the workplace, you need to be aware of the professional implications relating to the use of physical intervention.

You will need to familiarise yourself with any sector-specific and professional guidance and standards relevant to your area of employment for example in health and social care, prisons etc.

Duty of care - monitoring the person's safety

During all physical interventions, it is vital that you talk to and listen to the person being restrained and manage and monitor their safety. Specifically, you need to ensure that nothing impedes the person's circulation or their ability to breathe. Signs that a person may be having difficulties include:

- effort with breathing
- blocked airway and/or vomiting
- passivity or reduced consciousness
- being non-responsive
- signs of head or spinal injury
- facial swelling
- evidence of alcohol or drug overdose
- blueness around the lips, face or nails (signs of asphyxia)
- complaining of difficulty breathing
- high body temperature, sweating/hot skin
- exhaustion
- confusion, disorientation and incoherence
- hallucinations, delusions, mania, paranoia
- bizarre behaviour
- extreme fear
- high resistance and abnormal strength

> And remember – the longer the restraint is used for, the greater the exposure to risks and complications.

Positive alternatives to physical intervention

Because of the possible medical and legal implications when using physical interventions, it is imperative that such methods are only used as a last resort, when all other attempts to resolve the situation have failed.

Furthermore, you must ensure that you implement as many positive primary and secondary controls as alternatives to the use of force as possible, as some of these systems may negate the need to use physical interventions in the first place.



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Primary controls

- Following employer safety and security policies, procedures and working practices, use of safety and security
- Equipment and technology (e.g. radio for summoning assistance, CCTV, access control)
- Positive and proactive service delivery

Secondary controls

- Positive and effective interpersonal communication
- Knowledge and skills of conflict management in reducing the need for physical intervention

Defensive physical skills and physical interventions

Defensive physical skills

Defensive physical skills are methods used to try to prevent yourself getting into problems in the first place.

They include ensuring that you recognise possible dangers, and then putting yourself in the best possible position to be able to either avoid the trouble, get away from it, or to react to it appropriately and safely.



Defensive physical skills enable you to:

- recognise danger
- avoid it
- manage it
- react to it safely

- usually involving no use of force

Defensive physical skills include:

- risk assessments
- calling for support
- position
- stance
- communication skills
- boundaries (of premise)
- barriers
- exit routes

Physical intervention

Physical interventions, on the other hand, are where you proactively or reactively use a lawful amount of low-level force to either protect yourself or someone else, or to help you get the job done, for example by removing someone from the premises or moving one aggressor away from another to prevent a situation escalating.

Physical intervention skills enable you to:

- protect yourself
- protect others
- escort people away from incidents

- using low levels of force

Physical intervention skills include:

- guides
- deflections
- blocks
- escorting holds
- disengagement techniques
- restraints