



**BREAKAWAY & RESTRAINT**  
**SPECIALISTS**  
**EST. 1992**

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**BRS LTD USES TRAINERS THAT ARE MEMBERS OF THE NATIONAL FEDERATION FOR PERSONAL SAFETY**

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# **BREAKAWAY TRAINING**

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**TRAINING COURSE HANDOUT FROM BRS LTD**

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# DEALING WITH VIOLENCE & AGGRESSION IN THE WORK PLACE

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## COURSE OBJECTIVES:

- Help prevent assaults
- Help you understand your rights
- Help you feel safer and more confident
- Help you understand what violence and aggression is
- Help you understand what the law says you can and can't do

# THE DEFINITION OF WORKPLACE VIOLENCE

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## THE HEALTH & SAFETY EXECUTIVE:

"ANY INCIDENT WHERE A PERSON IS ABUSED, THREATENED OR ASSAULTED IN CIRCUMSTANCES RELATED TO THEIR WORK."

# INCIDENT REPORTING

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## WHY IS THIS IMPORTANT?

- To identify training needs
- To identify recurring or specific risks
- To identify the extent of the problem
- To facilitate extra resources
- To prevent further incidents
- Legal requirement under the Health and Safety legislation... 'any incident, in which a person is abused, threatened, or assaulted in circumstance relating to their work'



# THE HEALTH AND SAFETY AT WORK ACT 1974 SECTION 2 (1)

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Employers have a legal duty under the Health and Safety at Work Act 1974 "to ensure as far as is reasonably practicable, the health, safety and welfare at work of their employees".

Employers also have a duty where violent incidents are foreseeable "to identify the nature and extent of the risk and to devise measures which provide a safe workplace and a safe system of work"

## RISK ASSESSMENT

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### RISK

- Where are the risks in your role?
- What risk reduction measures are available to you in your company?

### RISK REDUCTION MEASURES

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- Alarms (intruder, panic, personal)
- CCTV
- Safe areas and/or Access control
- Radios, Paging, Public address systems, Mobile phones
- Policies and Procedures
- Guidance and Training



# THE LAWS

## GOVERNING THE USE OF FORCE

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### COMMON LAW

– legal excuse - Self defense

*"Any person may use such force as is reasonable in the circumstances in defense of themselves or others or in certain circumstances property"*

### REASONABLE FORCE

Three aspects make up "Reasonable Force":

- Honest held belief
- Necessary
- Proportionate

### THE CRIMINAL LAW

- Act 1967 Section 3:

*"A person may use such force as is reasonable in the circumstances in the prevention of crime, or in effecting or assisting the lawful arrest of offenders or suspected offenders or of persons unlawfully at large."*

- Where necessary reasonable force can be used to restrain or control someone. Everybody has the right to defend themselves against attack providing that they don't use a disproportionate degree of force to do so
- It must be – reasonable in the circumstances, an absolute necessity, the minimum amount necessary, proportionate to the seriousness of the circumstances
- A commonly graded part of whether the force used is considered reasonable is also the test of proportionality. Until 2013, force used for self-defence in England/Wales had to be justified, necessary and proportionate to be considered reasonable. In 2013, the Crime and Courts Act 2013 inserted a new Section 76(5A) into the Criminal Justice and Immigration Act 2008. This amended the law to allow homeowners to use disproportionate force, up to but not including grossly disproportionate.[5] This was further clarified by the High Court in January 2016



## **YOUR HONESTLY HELD BELIEF**

If you have an honestly held belief that you are in danger would it be:

- Necessary to stop that danger
- Health and Safety Act at Work 1974 section 7
- Who is your first duty of care too? - Yourself

## **THE HEALTH AND SAFETY AT WORK**

- Act 1974 section 7

*"Employees are required 'to take reasonable care for the health and safety of himself and other persons who may be affected by his acts and omissions at work."*

**Common Law and Criminal Law say you may use reasonable force, but Health and Safety says you are required to take reasonable care. It doesn't give you the choice.**

## **CIRCUMSTANCES MAY JUSTIFY A "PRE-EMPTIVE STRIKE"**

R v Beckford (1998) Lord Griffiths said:

*"A man about to be attacked does not have to wait for his assailant to strike the first blow, or fire the first shot"*

## **INCIDENT REPORTING (RIDDOR)**

- to identify training needs, to identify recurring or specific risks
- to identify the extent of the problem, to facilitate extra resources
- to prevent further incidents, Legal requirement under the Health and Safety legislation ... 'any incident, in which a person is abused, threatened, or assaulted in circumstance relating to their work



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## **BREAKAWAY & RESTRAINT SPECIALISTS Ltd**

[ Formally known as **BASIS Training** ]

**Company Number:** 14477807 | **VAT Number:** 428 3086 91

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### **CONTACT US**

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+44 (0) 784 5521 715    [admin@brspecialists.co.uk](mailto:admin@brspecialists.co.uk)

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**WWW.BRSPECIALISTS.CO.UK**