Journal of Crowd Safety and Security Management

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A Note from the Editors

The publication online of this issue, Vol. 2 No. 1, of the Journal of Crowd Safety and Security Management (JCSSM) has coincided with the new Government's announcement of severe cuts to Higher Education funding. Consequently a gradual drop in the support and resources that the Journal had in the past enjoyed from the University has ensued. Faced with limited and decreasing resources, the reduction in the Journal's content was necessary to ensure that the quality of editing and reviewing was not compromised. This Journal's issue is thus quite late and smaller in content than its predecessors; for this we apologise. The Journal has had an excellent support from you, our contributors and readers; just as importantly it still enjoys the support of the crowd safety and security industries as demonstrated by the keen willingness of authors to have their work published on the electronic pages of the Journal and by the growing visits to the Journal's website by individuals working in these industries. A number of organisations, Higher Education institutions, and specialist national colleges have also requested to be placed on the Journal's database and to be alerted as new Journal issues become available. The fledgling, but now emerging discourses of crowd safety and protective security can only grow to meet the persistent demands for explanations of the practices in these expanding industries. Like in other social science discourses, the debate, which has already started (see Dr Clayton's article in this issue), will escalate as to whether the scientific school or the humanistic one provides better explanations. Irrespective of the direction this debate may take, whether these practices are viewed as scientific or cultural and artistic endeavors, the central task is to communicate them through publishing the nascent research of experienced student practitioners and contributions from concerned academics. As journal editors we intend to do this; more importantly, as editors of this Journal, we want this research to be published in the JCSSM. We are still driven by the vision to continue this work within the constraints of diminishing resources; and to continue publishing the Journal twice a year as originally planned. We owe this to you, our readers and contributors, and more than ever before, we seek, in these difficult times, your continuing help and support.

Dr. Ali Bakir
Editor-in-Chief
On behalf of the Journal's Editors

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Notes for Contributors

- Practitioners' work based projects should be emailed as Word attachments to the Journal's Editors where they will be summarised and edited.
- Articles for a double blind review should be emailed to the Journal's Editors as Word attachments. The first page of the manuscript should include the title of the paper and the author's name, affiliation, address, telephone number and email address.
  The second page should contain the title of the paper, an abstract (150 words) and up to five key words.
- Correspondence will be only with the first author.
- References and citations should follow the BNU Harvard style at
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Editors' Statement

The Journal of Crowd Safety and Security Management – *An Online Journal* (JCSSM) is an educational, industry oriented journal which is designed to serve as a forum for practitioners, scholars, and students who are actively engaged in the academically fledgling industry of crowd safety and security.

The Journal seeks primarily to publish:

a) Summarised and edited versions of practitioners' work-based projects. The aim is to share and disseminate the findings of these projects to a wider audience. Practitioners' projects are selected, not necessarily because of their methodological rigour or the significance of their findings, rather they are chosen because of the relevance and importance of their work to the current development in the industry.
   Although practitioners' projects are summarised and edited, the responsibility for the rigour of the research and the validity and reliability of the findings remains with the authors.

b) Good quality well developed industry-based research articles after subjecting them to double blind reviews.

In addition, the Journal will publish essays, discussion and research notes, book reviews, and commentaries. The overriding aim of the Journal is to contribute actively to the professionalisation of the crowd safety and security industry by creating a platform which encourages dialogue between the industry and academia, and promotes research and good practice.

The Journal is published twice yearly, and the Editors will strive to include in each issue:

Abridged and edited practitioners' work-based projects
Articles subject to double blind reviews (up to 8000 words)
Research notes and discussions (description of work in progress.
Industry views (perspectives from practitioners)
Book reviews
Commentaries
News, events, education fora, conferences, seminars

Note: We have increased the word limit of the refereed articles and removed it from the section "Other articles, research notes and commentaries" to give authors more room to express and discuss their ideas.

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1 AN EXAMINATION OF THE CROWD MANAGEMENT OF TRADITIONAL EVENTS: PROSPECTS FOR THE 21ST CENTURY

Stuart Christopher Cornish

May 2010

Abstract
This exploratory study examines the management of traditional English events with the aim of identifying shortcomings in their organisation to improve crowd safety and preserve these events for future generations. In apparent contrast to the risk-averse society of 21st Century Britain, these events appear to expose participants to situations of extreme danger thereby inviting litigation. A qualitative research approach was adopted where a purposive sample of key individuals involved in the management of these events were interviewed. The main findings show; crowd sizes have grown significantly, many injuries were sustained, lawyers are likely to focus their attention on these events unless safety shortcomings are addressed, the need to establish mandatory Safety Advisory Groups, reluctance on the part of Local Authorities and stakeholder agencies to intervene, and confusion among these agencies over their statutory responsibilities. These tentative findings suggest that stakeholder agencies should work together to ensure consistency in enforcing legislation that currently exists, and to lobby for new legislation; both are areas requiring further research.

Introduction

The UK leisure-events industry is shaped by the response to a number of disasters in recent history. Upton (2007: 122) catalogued hundreds of spectator deaths at football matches during the 20th Century of which a number became the subject of official inquiries; notably the reports by Moelwyn Hughes (1946) Lord Justice Wheatley (1971), Lord Justice Popplewell (1985) and Lord Justice Taylor in 1989 and 1990. The aforementioned reports resulted in the introduction of legislation such as **The Safety At Sports Grounds Act 1987** and greatly contributed towards The Guide To Safety At Sports Grounds and The Event Safety Guide. Whilst these publications were intended to improve safety at events, Challis (2003) has claimed that the events industry might now be "*regulated to death*". However, a genre of events - the traditional or community events - is not covered by official guidance. These events occur outside safe, purpose-built arenas where there is no management of crowd; they generally take place in village streets and open land.

This study looks into traditional events that involve dangerous activities (Hobson: 2007) and are likely to cause injury to the participants and spectators. It attempts to ascertain whether introducing safe event management procedures would minimise the risk of injury, reduce the opportunity for litigation, and ensure the longevity of these events.

Literature Review

The British folklore customs emerged during the early part of the second millennium; the events that have survived are now part of 21st Century Britain. Hobson (2007) described a number of "curious" events, some possibly of Celtic origin, where their true meanings are not known or are long forgotten. Some events, like the Hallaton Bottle Kicking, occur on significant dates, such as; Shrove Tuesday, or are associated with Easter or Pagan festivals. Metro (2009) claimed that the annual Royal Ashbourne Shrovetide football match dates as far back as the 13th Century. Irrespective of their origins, Hobson (2007) and Cossins (2010) maintain that the events are important to their local community in terms of identity and social cohesion.

There is evidence that the events are becoming too popular. Allen (2010) revealed that the number of leisure visitors to London from overseas rose by 7% last year. This percentage rise was exceeded in Gloucestershire, which has led to the cancellation of the 2010 Cheese-Rolling event because of concerns about overcrowding on Coopers Hill. Jefferies (2010a) explained that a few years ago this event attracted only several hundred spectators, yet last year's police estimate was 15,000, three times the site's capacity. These unusual events appear to attract increasing numbers of crowd, despite the risk-averse society of today (Clark: 2008).

Many of the traditional events appear to lack health and safety measures. In describing the Hallaton bottle kicking, Hobson (2007: 63) stated: *"There are no rules to the game, which is perhaps better described as a free-for-all and can become quite violent"*. Hobson (p.179) wrote of the Tar Barrels:

> In these health and safety-conscious days it is amazing that the potentially dangerous practice of Tar Barrel Racing (or rolling) still exists – there has to be an element of madness in anyone voluntarily hoisting up a lit barrel on to their shoulders and careering off down the village street for no apparent reason. As yet, however, it appears that there are no immediate plans to ban the custom though it seems there are problems in gaining adequate insurance for the event.

No less precarious was the Gloucester Cheese Rolling; the event was featured on 'Rory and Paddy's Great British Adventure' (Channel 5: 2008). It showed the winner of the 2008 event unconscious as he fell across the finish line, having knocked himself out during his uncontrolled descent. It also revealed that injuries are common and the only apparent control measure was oversubscription: *"... provided that a particular race is not over-subscribed, anyone can take part in this somewhat dangerous pastime."* (Hobson: 2007: 85). Interviewed on BBC News, Jones (2006), of St John Ambulance, revealed that 12 spectators and 13 competitors were injured during the 2006 Cheese Rolling event: "*It was quite a reasonable year... we usually average around 30-40 people who need treatment.*"

Event organisers encountered the emergence of four major factors in 1999, which exposed them to significant new obligations: 1) **The Management of Health & Safety at Work Regulations 1999** were introduced and created a new legal requirement for

risk assessments; 2) **The Access to Justice Act 1999**, replacing the much criticised legal aid system, but created the "no win no fee" litigation opportunity for the legal profession and insurance industry; 3) the Event Safety Guide providing official guidance for organisers; and 4) the ACPO Public Safety Policy 1999 which withdrew the police from all but core roles, forcing organisers to employ crowd managers and introduce stewarding plans. Additional legislation came into force which created additional demands on event organisers, including; **The Private Security Industry Act 2001**, **The Licensing Act 2003**, **The Traffic Management Act 2004**, and **The Corporate Manslaughter and Corporate Homicide Act 2007**.

Event organisers have a duty of care to their spectators and people assisting in staging the event (***Donoghue-v-Stevenson, [1932]***), and could be liable for negligence. A survey conducted by the Association of British Insurers (ABI) and YouGov1 found that people are more likely now than five years ago to sue for physical and emotional injury, and to blame others when accidents and injuries occur; highlighting the existence of a "blame culture". Gibb (2010) reported that "*No win no fee deals cost taxpayers and insurers millions*" and Boleat (2008) revealed that the benefits of litigation were frequently greater to the lawyers than to the injured parties. Pointing to what has been labelled as an "*ambulance chasing culture*", Challis (2003) pointed out that, "*Personal injury claims are rising and lawyers… can see a huge growth area for fees*". He also explained the basic issue with litigation: *"Even if a claim cannot be proved, the lower level claim of £3000 makes it not worth contesting by the promoter or event company, as the resultant legal costs are far less than those of a court appearance to contest a spurious claim".* Harding cited in Case Studies in Crowd Management revealed that despite the implementation of safety measures, spurious litigation is widespread, where some people deliberately injure themselves at concerts with the sole intention of claiming compensation (Kemp *et al* : 2007: 140).

Safety advisory groups (SAGs), were created to evaluate event plans and provide advice accordingly. The terms of reference for SAGs are found within the Home Office Good Practice Safety Guide (2006: 57) and recommendations for the involvement of stakeholder agencies are also found in The Event Safety Guide (HSE:1999: 6), and Managing Crowds Safely (HSE: 2000:10). Yet, Sexton (2003) reported that there still is no legal requirement for SAGs for events on the highway if the event falls outside the scope of **The Licensing Act 2003**.

The police-briefing note for the Tar Barrels (Harper: 2008) warns officers not to stand within the crowds in case of a crowd surge or crushing. That advice might put the police in a difficult position if they were aware that potentially dangerous incidents might take place but do nothing to make sure the danger is mitigated.

In certain circumstances, injuries sustained at these events should be reported to the HSE under **The Reporting of Injuries Diseases and Dangerous Occurrences Regulations 1995** (RIDDOR).

Method

The study focused on four traditional events; Gloucester Cheese Rolling, Royal Ashbourne Shrovetide Football, Hallerton Bottle Kicking, and the Ottery St. Mary Tar Barrels. A qualitative research approach was adopted as it helped understand why decisions were made (Marcousse: 2003). Access was available to a number of key individuals and stakeholders through an existing network of professional contacts. A convenient, purposive sampling procedure was employed where specific expert stakeholders who were likely to hold data relevant to the research were interviewed. Seven key stakeholders were chosen: an independent health and safety expert (respondent 1), an events industry lawyer (respondent 2), a senior police officer who performed a command role for the policing of a traditional event (respondent 3), a member of police staff responsible for planning the policing operation around a traditional event (respondent 4), the organiser of a traditional event (respondent 5), a member of a local authority and expert on Safety Advisory Groups (respondent 6), and a police officer responsible for policing the locality in Gloucestershire where a traditional event is held annually (respondent 7).

Semi-structured interviews were conducted in the form of a conversation, giving the interviewees freedom to talk about issues they considered crucial to a successful outcome (Bell: 2005: 161) and '*to elicit certain information from the respondent'* (Moser & Kalton: 1971: 271). Some interviewees were contacted by e-mail. A voice recorder was used to record the conversations and transcripts produced.

The purpose for the research was explained to each interviewee prior to the interview. Informed consent was obtained, as all participants gave verbal permission for their interviews to be recorded and for data to be used in the subsequent report. They also gave permission for their identities to be disclosed, however, it was decided that anonymity would be maintained.

Findings and discussion

Analysis of data from the interviews gave rise to a number of themes that support the literature.

Crowd size & risk of injury
Respondent 5 concurs with Jefferies' (2010b) claim that events are now so crowded, new measures must be introduced. One interviewee at the Ottery St. Mary Tar Barrel event counted nineteen coaches that conveyed students from the local University to the 2009 event. Respondent 6 noted that the general public wants to be entertained; this might partly explain large crowd sizes at free-to-enter events.

Respondents 1 and 2 suggested that organisers of traditional events have created situations where spectators are put at risk. However, many first-time spectators at

unusual events are unlikely to realise the danger they may have unwittingly placed themselves in (respondent 5).

According to respondent 4, the organising committee has suppressed the true figure for injuries at their local event. Injured parties have received first aid from persons other than the ambulance service so that their statistics are not recorded; they have also been "looked after" to stop them seeking compensation through litigation. Nevertheless, many injuries do occur each year; Safeconcerts.com (2010) reported that 36 members of the public were injured during the 2007 Tar Barrels event, and Erwin (2009) reported 12 seriously injured people when a tar barrel exploded at the 2009 event. He quoted one Ottery St. Mary resident as saying: "*This event has run its course. It's time for it to be placed into the history books. It flies in the face of health and safety laws*". Of greater concern is the view held by respondent 3, who is convinced that someone will die at their local traditional event unless changes are made. Injuries are also a common at the Cheese Rolling event. Respondent 7 estimated 60 serious injuries in 2009; one serious injury in particular was suffered by a 'catcher', a local rugby club player who was employed to arrest the fall of the participants at the foot of the hill; in effect acting as a human crash barrier.

Legislation and litigation

Respondent 1 stated that litigation is directly attributable to a lack of safe working practices. He suggested that the spectre of litigation might even be a good thing as it could encourage organisers to strive for higher standards of safety. Respondent 2 also suggested that litigation is not a bad thing in itself because if someone has been injured as a result of someone else's fault and compensation is appropriate, then litigation is the right way to address the matter. Respondent 1 also believed that all events can be made safer to guard against things not going well or developing faster than the organisers had intended. He suggested taking a step back and having a fresh look at the event. Coincidentally the Gloucester Cheese Rolling event has now been cancelled to reassess capacity; it will resume in 2011.

Respondent 4 stated that he had no plans to stop his event unless instructed to do so; he also thought that no one had the courage to stop the event from taking place. None of the interviewees had any desire to see an end to traditional events; there was a feeling that no one wanted to be the person to bring a tradition to an end. There is also evidence of agencies and individuals 'turning a blind eye' on what is going on, partly because there is an element of confusion as to who should take the lead in such matters. Both the Tar Barrels and Cheese Rolling events have children's races; in the former children as young as 7 years old have small but blazing barrels put on their shoulders by their parents (Respondent 4); in the latter children are encouraged to climb a steep hill as high as they can (Respondent 7). These activities contravene section 1 of **The Children and Young Persons Act 1933**, as they expose children to danger.

Liability and safety advisory groups (SAG)

Traditional events generally are not 'licensable activities' within **The Licensing Act 2003**, nor do they fall within the remit of **The Private Security Industry Act 2001**. The organisers, therefore, are not legally obliged to present their proposals to their local

authority. Coey, a respondent (email, 7th January, 2009), explained the position with the Royal Ashbourne event:

> It is an interesting event to police as it is unlicensed. We have had many problems with the organisers over the years regarding insurance and safety issues. It has now been made worse as we have now found out that there has been no public liability insurance on the event for the last five years as the secretary has been making off with the premiums. ... we have various broken limbs each year, damage and a death from a heart attack.

Respondent 6 sees the structured management of the planning process as key to successful events; five other interviewees also consider it a major issue overlooked by their local authorities. Respondent 7 stated that many agencies, which are expected to participate in SAGs, appear to actively avoid engagement with these events. They report that the local health authority declines to make ambulances available to the Cheese Rolling because congestion caused by unenforced parking prevents ambulance access and egress to the site. This suggests a clear lack of multi-agency integration as the local authority could issue parking restrictions and the police could enforce them.

Loader, a respondent (email 14th April, 2010), reported that the traditional annual Oxford v Cambridge Boat Race had been planned without a safety advisory group. He remarked that serious crowd issues were evident, including spectators sitting on a slipway next to an incoming tide, no warning was posted about the wash from the passing flotilla of boats that pursue the rowing team and no crowd management or safety measures were employed. In line with ACPO Public Safety Policy 1999, the Metropolitan Police Service sought to persuade the four local authorities, the Port of London Authority, and the Boat Race organisers to establish SAG but all efforts failed in the face of a collective reluctance to interfere in such an established event. Jenkins (2010) links the reluctance to engage in an active contribution to a planning process to a misinterpreted maxim originated from John McQuater of the Association of Personal Injury Lawyers: "*If you do nothing, you cannot be liable. If you do something, you could be liable to a legal action*".

Conclusion

There are a number of factors that have changed in recent years that have bearing on the safe management of events. Crowd sizes have grown significantly at events, originally staged for the benefit of isolated communities. Jefferies (2010a) and the Ottery Carnival Committee (2009) take pride in showcasing their events to the wider world, and some organisers treat their event as a method for income generation for which they welcome large numbers of 'outsiders'. But no control measures have been adopted to cater for the increase in crowd size and the inherent dangers and risks that this has generated. Alongside this, there is reluctance among stakeholders to intervene for fear of incurring liability or being labelled as the one who ended a tradition. 'No win- no fee' lawyers thrive on claims brought because of the absence of coordinated control measures and where unnecessary risks are allowed.

Traditional events must find a way to continue within a legislative framework. This study shows that the management of crowds at traditional events in their present format is unsustainable. The event organisers have displayed reluctance to adapt to change or adhere to relevant legislation. This is compounded by a lack of consistency by stakeholder agencies in recognising their responsibilities and applying the appropriate laws (Upton: 2007 and White: 2009). It appears that unless safety advisory groups are established to oversee the planning processes for these events, the safety of spectators is unlikely to be improved. It could be argued that having defined its legal obligation, ACPO (1999) must apply its public safety policy across events nationwide. That policy aims to encourage the formation of SAGs in every local authority across Great Britain and Northern Ireland; this may now take a greater priority, particularly, in the run up to the 2012 Cultural Olympiad (Farquhar: 2010). SAGs may also need guidance to address the complex safety implications generated by the paradox of supporting local communities to maintain their traditions and public hunger for entertainment. Arguably, ACPO and LGA may lead a combined drive for these improvements.

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Case Law

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Statute Law

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Corporate Manslaughter and Corporate Homicide Act 2007

Licensing Act 2003

Management of Health & Safety at Work Regulations 1999

Private Security Industry Act 2001

Reporting of Injuries, Diseases and Dangerous Occurrences Regulations 1995.

WHOSE QUEUE IS IT ANYWAY?

A STUDY OF RESPONSIBILITIES FOR POST EVENT QUEUING

Trevor Jenner

May 2010

Abstract

This study examines the responsibility for managing long queues spilling outside underground and mainline train stations following Central London New Year's Eve celebrations. The purpose of the research is: a) to have insight into the perceptions of individuals and agencies, which form the multi-agency planning group, of their legal responsibility for managing such queues; and b) to find out if guidelines or legislation exist that define such a responsibility and the source of confusion over managing the safety of queuing people. A qualitative research approach was adopted where an open ended list of questions was emailed to a convenience sample of 25 agency representatives, all involved in the planning and implementation of the New Year's Eve event. The findings highlight disagreements among the agencies with regards to the primary issue of responsibility for queue management. Where responsibility is acknowledged there are clear boundaries beyond which ownership of any queue is disputed. There is also agreement that little or no relevant legislation or guidelines exist. Further research is suggested into responsibility for queue management.

Introduction

The purpose of this study is to examine the management of queues following large events. It looks into the limits agencies involved in any egress phase place upon their responsibility, and how their differing interpretations of law and guidelines might have created an area of potential disaster. The rationale for this study arose out of multi-agency meetings to plan the Central London New Year's Eve celebrations and fireworks display on 31st December 2007. As planning for 2007 progressed a number of factors became apparent: The event organiser did not have the will or the ability to manage large queues away from the event area; transport operators did not feel they had accountability for queues outside of their premises; British Transport Police (BTP) were concerned because of the potential additional workload; and the Metropolitan Police Service (MPS) did not want to accept responsibility for any queue beyond the policing of crime and disorder. The absence of guidelines that apply to all agencies, coupled with individual organisation's policies which might be misinterpreted, have created a situation with ambiguous responsibilities.

Literature review

Frosdick and Walley (1997) indicated that disasters are not confined to football stadia, and knowledge gained in safety management in that field should be applied in a wider context across the sporting and leisure industry. Fruin (1993) explained that many crowd

disasters could be avoided with simple advance planning and management. This research may highlight the need for guidelines to put an end to 'legislation by crisis' practice which, according to Cantor *et al.* (1989), has the quality of closing the stable door after the horse has bolted.

Events overseas have demonstrated the scale of potential disaster in an unmanaged egress. In May 1999, as 2,500 people were leaving an annual outdoor festival in Minsk, Belarus, a sudden rain downpour caused the crowd to rush towards the nearby Nemiga underground station. Their sudden arrival into an already busy station resulted in a tragic crushing which ended the lives of 53 people (Freebase, 2007). A hailstorm during a football match in Nepal in 1988 caused the crowd to exit the ground rapidly (LA Times:1988); poor management of a crowd of 30,000 people resulted in a crush at the gates where 93 people died. The result of panicked entrance into a London Underground (LU) station was witnessed in March 1943 where 1,500 people attempted to take shelter in Bethnal Green underground station following an air raid warning. The incidence of a person tripping in the narrow entrance caused those behind to push forward; 173 people, including 62 children, lost their lives in the worst civilian tragedy of the war (Guardian, 2003).

In his Interim Report into the Hillsborough disaster, Lord Justice Taylor (1989) stated that in the 1980s police were seen as responsible for public safety in respect of crowds entering sports grounds. However, studies in the 1990s, including Frosdick and Walley (1997), suggest a movement to pass responsibility for crowd safety at stadia from police to club safety officers; this has extended to those outside as they queued to enter. In a detailed description of stewards' duties, the Guide to Safety at Sports Grounds (2008), the Green Guide, requires stewards "to control or direct spectators who are entering or leaving the ground" (para. 4.7a). The Event Safety Guide (1999), the Purple Guide, also advises organisers to "arrange for adequate queuing away from entrances" (para. 290). Kemp *et al* (2007), however, claim that organisers see the end of the event as the end of their responsibilities to their audience; an attitude which is not looked upon favourably by licensing authorities.

The Good Practice Safety Guide (2006) states that, "the primary 'duty of care' for public safety rests with the organiser or the owners of the property or land" (para. 1.2). Nevertheless, following this guide, a queue for the entrance to a station could arguably be the responsibility of the event organiser, the transport operator or, as owners of the highway, the local authority. The byelaws of the **Transport Act 2000** indicate that operators may require persons to queue, or join the rear of a queue, in order to regulate order or safety on or near railways. The responsibility for the entire queue outside a station on New Year's Eve may thus be placed with the operator.

The Health and Safety at Work Act 1974 and **The Management of Health and Safety at Work Regulations 1999**, both stipulate that any organisation managing a queue, an activity, could become liable for injuries arising from that activity. Any organisation accepting queuing responsibility may thus find itself guilty of an offence under **The Corporate Manslaughter and Corporate Homicide Act 2007** if a death occurred as a result of queuing.

Research methodology

A qualitative research approach was adopted for this study as it is flexible and provides opinion-based information describing in-depth experiences of a few people (Mack *et al:*2005). The study seeks insight into the practices of key players (Bryman & Bell:2003 and Bell: 2005) involved in planning the Central London New Year's Eve event.
Data was collected by conducting email interviews with a convenient sample of decision makers from the following: The New Year's Eve policing operation command structure, both MPS and BTP; senior representatives from LU and Network Rail; the event organisers; and Westminster City Council within whose borders the event takes place. The views of medical providers and fire service were also sought. The sample group were carefully selected on the basis that their inclusion expands the variability of the sample, thus ensuring quality data is obtained from participating professional and experienced operatives (Maykut & Morehouse:1994).

Twenty-five questionnaires were emailed to prospective participants and 23 responses were received; seven from the police, seven from transport agencies, three from the event organisers and their stewarding company, and six from other emergency services and agencies. All respondents have been involved, in decision making, support or advisory roles, in one or both of the two largest annual mass gathering events in London: Notting Hill Carnival and the New Year's Eve celebrations. All respondents are fully involved in the planning of the New Year's Eve event and are aware of the resulting queuing problems. They fulfil the 'information rich' purposeful sampling criteria (Patton: 1990); almost all of them have an understanding of the issues involved in managing large crowds. Informed consent was also obtained, where person's name would not be divulged, and direct quotes would be attributed to individuals or statement to organisations.

Analysis and findings

Data was analysed and key themes identified and compared (Bell: 2005). Using the interpretive and flexible editing approach (Robson: 2002), responses were examined systematically, and as suggested by Bell, searched for similarities and differences, patterns, groupings and any item or statement of particular significance. The following themes were identified:

Responsibility
Respondents, mostly from the police, felt the primary responsibility for managing the queues outside London Underground and Network Rail stations lies with the transport service provider or the owner of the station where the queue led. Police officers explained:

> The transport operators can reasonably foresee the numbers of customers seeking entry to their property to make use of their service; therefore the transport operator should put systems in place to provide for the safety of their customers....

> The length of queue is irrelevant. If at some point the premises had to close and no one was going to be able to gain access, everyone in the queue is affected by that decision whether the queue is 10 metres long or 1000 metres long. Therefore, the entire queue needs to be … managed by the agency with primary responsibility for it.

> All agencies expect in excess of 150,000 people to queue for Waterloo Station from 00.10 hrs on January 1st. and the transport service provider should put in place systems to provide reasonable safety for each of them as soon as they attempt to enter their station even if the queue is some distance from their property.

A non-police respondent made the following comparison:

> Take another scenario. It's 18.00 on Thursday evening in Canary Wharf, all the staff from local offices leave and there are more than normal numbers wanting to use the transport system at one time; large queues form outside the station. In this instance the service provider then has to manage the queue.

These statements show a belief, perhaps supported by **The Transport Act 2000**, that responsibilities for queuing apply to the furthest point of any queue for a station. Some non-police respondents suggested that the transport service provider should receive assistance but retain responsibility: "*The event organiser should provide support… stewards working under the authority of the station management.*"

Other respondents felt the primary responsibility for managing queues fell to the event organiser who should put a stewarding operation in place. The Event Safety Guide (HSE:1999), whilst advising event organisers to 'arrange adequate queuing away from entrances', does not extend this suggestion to any entrance other than to the event site. A transport provider respondent retorted: "*The event organiser should have responsibility for the queue management, however I feel it is in fact falling to both the Metropolitan and British Transport Police services.*" Some respondents felt the that MPS, BTP, and the transport service provider should be jointly involved; a non-police respondent suggested that it is "*prudent and best practice for the view on responsibility to be arrived at … through table-top testing and de-brief.*" However, any suggestion that the police, MPS or BTP, are responsible for queue management would conflict with the Association of Chief Police Officers (ACPO) Public Safety Policy (1999). Respondents felt that there is lack of clarity in relation to queue management responsibility. Non-police respondents stated that it was "*a very difficult question to answer*"; "*I don't think there is a single answer*"; it is a "*grey area*". Some respondents felt that all matters of queue management responsibility should be "*discussed and agreed within the planning stages.*" Referring to ACPO (1999), most police respondents expressed the view that the MPS are only responsible for policing crime and disorder within queues upon public property.

Boundary

As for the boundaries of responsibility, respondents agreed that the transport service provider has sole responsibility upon its own property. Beyond that property's boundary, however, viewpoints conflicted. Whilst most respondents felt that once a queue has formed the responsibility for it did not alter no matter the length; one emergency service respondent stated: "*After 1,000 metres any management put in place by the transport service provider or event organiser should cease and the police assume control.*" Another emergency service respondent supported this viewpoint: The distance after which "*police become the primary agency was 100 metres.*" A transport provider respondent stated: "*In the case of New Year's Eve, I feel 500 metres is sufficient but only at certain stations. The attendees have to become self-managing at some point.*" Respondents who felt there was no limit to responsibility for a queue, all confirmed that whichever agency had primary responsibility in the first instance should retain responsibility for its entire length. A respondent from the organiser, who held the view that the transport service provider should retain control of any queue, suggested:

> If a person in a queue 1,000 metres away from a station entrance was to die because the principles of safe queue management had been disregarded then a possible investigation and prosecution under the Corporate Manslaughter and Corporate Homicide Act (2007) could follow.

Most respondents, but significantly only one from the police, felt that on the night it was the police who should be filling the role of actually managing the queues. A senior police officer stated: "*If the plans to deal with the queues are weak then police end up picking up the pieces but should not accept the responsibility.*" Some respondents believed that the event organisers managed the queues, whilst one respondent felt it was the transport service providers. A number of respondents indicated that a joint response by the police, both BTP and MPS; the transport service providers; and the event organisers provided the required management. A transport provider respondent stated: the queues were managed by "*BTP and MPS along with stewards*", however, he preferred that "*stewards take the lead from the MPS rather than being the lead.*" A respondent worryingly stated that in his view, "*outside of station property, no agency appeared to be in charge.*"

Clarity

Over whether the way the queues are managed generates confusion amongst the agencies, a respondent who felt there was no confusion stated: "*If there is, it would be best addressed through clearer briefings.*" Another respondent, who worked on behalf of the organiser, supported this view: "*There was no confusion as the MPS and BTP generate a detailed plan indicating their intentions.*" A respondent from a non-police agency finds "*disagreement, not confusion*", amongst the agencies.
Respondents who felt there was confusion offered a number of reasons; some identified variations in how the queues at different stations were managed by MPS, BTP, event organisers, and transport service providers. One respondent stated: "*there was no confusion at the planning stage but only in the implementation of the plan.*" Another pointed out that the result of the confusion meant that "*the queues were actually unmanaged.*"

Some police respondents felt that the queues were "*left for police to manage*"; other agencies were content, as "*police have always stepped in.*" One respondent, however, perceived that the police were "*shirking responsibility*". Another, non-police respondent, stated: "*the confusion from the plan cascaded down to operational people who in turn are unsure as to their responsibilities.*"
Other respondents felt that the problem was wider than just how the agencies work; they pointed to the general public perception that the police are responsible for the safety of any such crowds.

Respondents also offered some suggestions as to what needed to happen before responsibility for queue management was clearly defined: "a *judicial review*", "*legislation or a coroner's inquest following a tragic incident within a queue*". Some non-police respondents believed that as the police would most likely benefit from a judicial decision and transport service providers suffer, "*It may not be politically expedient at this time for any of the agencies to seek such action.*"
Some respondents felt that the event organiser should assume full responsibility for all aspects of the event and seek advice and guidance from the other agencies in the planning stages.

Legislation and guidelines
Most respondents felt there were no legislations that could assist with defining responsibilities for queue management: "*no legal decision had been made in respect of queues*"; and that any legal opinion had been "*unable to provide definitive answers*". In contrast, one respondent saw "*lots of legislation, much of it conflicting, none of it definitive.*"
Some respondents made reference to publications such as the Green Guide, the Purple Guide, and the Good Practice Safety Guide, but felt they were for guidance only. A transport provider respondent stated: "… *there is no legislation and the guidance (Green or Purple) is woolly and implies rather than dictates a responsibility.*" In respect of the public being affected by the operation of the transport service providers, two respondents referred to **The Health and Safety at Work Act 1974**, and **The Management of Health and Safety at Work Regulations 1999**. A respondent from the organisers stated: "*The parameters of the duty of care in respect of queues should be established at the Multi-Agency planning meetings held prior to the event.*" Respondents from the transport service providers suggested that the responsibilities of the transport service providers ended at the boundary of station property: "*It is legal Council opinion to LU that our responsibility stops at the station boundary.*"
Police responses referred to the ACPO Public Safety Policy (1999), which effectively distances police from involvement in events outside the core responsibility of crime and disorder. However, a respondent from an emergency service stated, "*The MPS have responsibility for public safety generally.*"

One respondent working for the organiser stated they had heard of railway regulations but could not explain how they related to queues.
Whilst a number of publications offering guidance to event organisers were listed, not one respondent felt definitive legislation or guidance existed in relation to post-event queuing.

Planning

There were two distinct groups of responses concerning the question of how safe queue management was outside stations after the New Year's Eve event. One group felt that the queues were managed safely, though some qualified their answers with statements such as: "*only just*", "*could be better*", "*too many grey areas*", "*to an extent*", "*for three years the plan has worked*", "*we have been lucky thus far*", and "*satisfactory in normal conditions but, concerns around any incident taking place.*" Some remarked that the queues are dealt with safely at present, "*however, if the numbers continue to grow, that is a matter which needs serious consideration.*"

The group, who viewed the management of queues as unsafe, felt that agencies and organisations do not agree, lines of communication and responsibility are unclear, and no one agency is taking ownership. A police respondent stated: "*There has been no clear mandate on responsibility for three years and it is causing consternation within the planning process to the point where public safety is now being put at risk.*" Some respondents suggested that the planning process does not have the authoritative oversight necessary to assign responsibilities to individual agencies in respect of the queues. Others stated that the plan only works because the police assign so many resources and "*fill the gap*" with regards to safety. A transport provider responded: "*It is the same discussion every year; legislation or Mayoral direction is required to determine responsibility.*"

Conclusion

The findings highlighted differing viewpoints held by the agencies that jointly plan and implement the New Year's Eve event; this suggests that confusion exists in managing the post-event queues. The findings also showed that no definitive legislation or guidelines existed in relation to post-event queuing; resulting in an apparent lack of clarity in planning for the management of large queues. The queue management issues thus require further study; the potentially serious consequences of a failure to introduce commonly understood parameters of responsibility should expedite the undertaking of such research. The findings suggest that until an informative and legally enforceable legislation is produced, the likelihood of confusion and disagreement continues.

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3 AN EXPLORATORY STUDY INTO PSYCHOLOGICAL HEALTH AND VETTING OF UK ARMED PROTECTIVE SECURITY PERSONNEL WORKING ABROAD

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May 2010

Abstract

The purpose of this research was to offer a view of the psychological health, vetting and after-care following a serious incident, of UK Private Security Industry personnel working abroad with firearms. Questionnaires and interviews were used as data collection instruments. The key findings suggest that in vetting potential employees, security companies were paying insufficient attention to the issue of psychological health that the aftercare provided following a serious incident was minimal, and that although compassion was shown by some companies, the majority of them either failed to recognise mental-health issues or addressed the problems inappropriately. Private security companies may, as a result of this study, need to take greater steps to ensure the mental health well-being of their employees.

Introduction

A census conducted by the United States Central Command showed that international armed contracted personnel had reached in excess of 100,000 for Iraq alone in 2006 (Merle, 2006). The number of British armed security contractors in Iraq was around 4,000 in August, 2007 (Klein, 2009). Unofficial estimates put the overall death toll for the operators at just over 1000 with nearly 13,000 injured (Risen, 2007). Well-published recruitment advertisements suggest that United Kingdom companies operating in these environments prefer to recruit former British military personnel. In particular, those who have undertaken tours of duty in Iraq, Afghanistan, Northern Ireland or Bosnia. However, it is possible that during their deployments with the military, or time spent with private security companies, the operators may have been exposed to severe trauma, violence or possibly death in the course of their duties.

Dr. Liam Fox, the Defence Secretary, expressed his concerns for the growing number of mental-health casualties from the armed forces (Fox, 2009). The New York Times reported that contractors who had worked in Iraq were returning home with "the same kinds of combat-related mental-health problems that afflict United States military personnel" (Risen, 2007). This raises a number of questions relating to psychological health amongst personnel employed to provide armed close protection and personnel wishing to embark on a career in the Private Security Industry.

This paper will look into the psychological health, vetting and after-care following a serious incident suffered by personnel from the United Kingdom Private Security Industry working abroad with firearms. The intention of the project is to highlight an issue that has now surfaced a number of years after the invasion of Iraq. *Trauma* is defined as "serious injury or shock to the body, as from violence or an accident; or an emotional wound or shock that creates substantial, lasting damage to the psychological

development of a person, often leading to neurosis" (Dictionary.com [Online] n.d.). *Post-traumatic stress disorder* (PTSD) is a common anxiety disorder which develops after exposure to a terrifying event or ordeal in which grave physical harm occurred or was threatened (E Medicine Health n.d.).

Method

The triangulation method of research was adopted (University of Bolton n.d.) using both quantitative and qualitative data. Due to geographical constraints, data for this research was obtained via an online survey. The main disadvantage is that respondents may have been wary of offering too much personal information to an individual who may know them personally or may work alongside them in the future.

The data collection instrument was in the form of a questionnaire - see appendix; its latter part (the last 22 questions) was based on the American Psychiatric Association's Diagnostic and Statistical Manual of Mental Disorders, Fourth Edition or DSM-IV (ADRC n.d.); it was intended to highlight any potential signs of Post-Traumatic Stress Disorder.

Information was collected from a convenient snowball sample (Galloway, 1997) from a group of UK close protection officers who are working, or have worked, in the armed sector of the Private Security Industry abroad. Participants were asked to forward the online web address to other colleagues. Unstructured interviews were also conducted with personnel who were available and who agreed to provide more information. This was to enhance the credibility of the questionnaire survey. However, hindsight suggests this may have made applicants wary of being completely candid.

Findings

Seventy respondents participated in the survey, 69 (99%) were male with an average (median) age of 40 years, and 68 (96%) had served in the military, with average time served of 13 years. Eight (11%) were psychologically evaluated prior to leaving the military. Fifty seven (82%) respondents were currently employed by private security companies. On average, respondents had worked for three companies throughout their time in the commercial sector. The average time spent in the commercial security market was eight years.

During the interview and vetting process, 51 (73%) respondents stated that they were not asked any questions relating to their mental health on joining a private security company; and 55 (79%) respondents were not asked about previous attacks. In the course of their duties, 47 (67%) respondents had experienced a traumatic event; while serving in the military, 30 (43%) respondents had suffered a traumatic event. In the armed sector of the Private Security Industry, 55 (79 %) respondents thought the issue of mental health was not taken seriously. Thirty nine (56%) respondents held, or had previously held, a Security Industry Authority (SIA) licence.

Four (6%) respondents had not been involved in an attack while conducting close protection duties. Of the remaining 66 (94%) respondents, 51 (73%) had been involved in more than one attack; in some individual cases, this number was as high as nine attacks.

Fifty eight (84%) respondents were not offered counselling or emotional support following an incident. Of particular note was a respondent's statement showing disregard on the part of the employer: "The casualty is insured. Send him home and get another one". Regarding emotional or mental issues, 45 (64%) respondents felt they could speak to their respective team leaders or supervisors.

The answers to the 22 questions, which were based on the American Psychiatric Association's Diagnostic and Statistical Manual of Mental Disorders, Showed that 15 (21%) respondents displayed moderate to severe signs of Post-Traumatic Stress Disorder. These figures were comparable to the research conducted by Feinstein and Botes (2009), where the average percentages were 21% for depression, psychological distress and excessive weekly alcohol consumption.

The results of the questionnaire also showed some private security companies are taking steps to tackle the issue of mental health and trauma management. Nineteen (27%) of the respondents were asked questions about their mental health in the interview and vetting process. Leaflets are being given to members of one private security company that offers information on where and how to seek help. A respondent pointed out that some private security companies now invest in Trauma Risk Management (TRIM), and in trained personnel to offer counselling after an incident or attack. Another respondent pointed out that as early as 2004, after a serious incident, operators were given a period of paid leave, then requested to seek support and psychological evaluation. However, he added that this was not mandatory and was avoided by most personnel.

Fifty five (79%) respondents believed the issue of mental health was not taken seriously in the Industry. Through conducting interviews with a small number of respondents, it was clear that some of them had been involved in far more serious incidents while serving in the Private Security Industry than they were exposed to in the Military. The resources offered in aftercare are considerably different. Although the British Army cannot dispel its duty of care while soldiers are still with the Military, it has been reported that it had neglected soldiers returning with mental-health issues (Judd, 2009). Invariably, individuals returning to the UK are largely left to fend for themselves. For example, a respondent had a colleague killed in the same vehicle he was commanding. The subsequent aftercare from his company was to send him home for a number of weeks to 'chill out' before returning to work. This respondent stated that he did not feel he was ready to return. However, he added that he 'needed the money'. He further pointed out that he did not want to discuss the issue, as he felt this may hinder his chances of finding further work with his current organisation. He also felt responsible and guilty for the decision which he made on the route that was taken in that particular

task, and that the feeling of guilt would not leave him. Interestingly, this respondent scored extremely high on the Post-Traumatic Stress Disorder questionnaire.

This also raises the issue of the stigma attached to mental health amongst personnel in the Private Security Industry. Forty five (64%) respondents felt they could talk to their supervisors; however, this still left a considerable percentage who keeps issues to themselves.

The number that had been exposed to more than one attack was 51 (73%). The re-exposure to another incident shortly after an initial attack increases the risk in the development of Post-Traumatic Stress Disorder symptoms (Bisson, 2007). Experts in the field agree that early intervention is paramount in treating Post-Traumatic Stress Disorder.

It is apparent at this stage that there are varying attitudes towards what constitutes a suitable level of support. Although there appears to be a compassionate side to what companies are offering personnel following an incident or attack, it seems to be somewhat inappropriate. There is also no measurement of the emotional stability of those individuals, nor efforts to identify the presence of Post-Traumatic Stress Disorder.

Post-Traumatic Stress Disorder is linked to stress, and stress coupled with psychological ill-health can be linked to safety concerns. In 2006, the Health and Safety Executive (HSE) carried out research to assess the links between psychological ill-health, stress, and safety. Their findings showed that "an individual's frame of mind has an impact on task performance and on safety. This means that the way people are thinking and feeling can cause or contribute to them having an accident, behaving unsafely or committing an error or mistake" (Amati & Scaife, 2006). The findings further revealed that if an individual is stressed, they are more likely to be distracted by other thoughts, suffer from actual diminished ability to control thoughts and actions. If they are anxious, they are more likely to be more prone to distractions, find it hard to focus on a task, and over-react. If they are depressed, they are more likely to find it hard to concentrate on a task, be less interested and motivated, avoid interacting with others and find their memory is affected. If they are angry, they are more likely to act aggressively and commit a violation of procedure. If they are frustrated, they are more likely to act without due care and use excessive force.

The Lord Cullen Enquiry (1996) doubted whether psychologists could identify people who may be a danger to others (BBC, 1996). Psychiatric evaluation was thus rejected for the process of applications for firearms licences in UK, not simply for cost reasons, but because there were grounds for considerable reservations as to its effectiveness.

Conclusion

The findings of this study showed considerable shortcomings in the vetting, screening and aftercare of personnel who have been involved in a serious attack or traumatic event. It appears that the stressful nature of Close Protection work is creating fertile ground for the development of Post-Traumatic Stress Disorder. The current lack of

proper care and attention may be harbouring future serious ramifications. Ascertaining whether an individual has Post-Traumatic Stress Disorder is the work of medical experts in Psychology. However, the findings from the American Psychiatric Association's Diagnostic and Statistical Manual of Mental Disorders questionnaire on Post-Traumatic Stress Disorder showed that operators currently working with firearms abroad already suffer from a degree of Post-Traumatic Stress Disorder.

It is apparent that the actions of these operators in the field have international and diplomatic ramifications, should they be required to use force or act violently or inappropriately. Additionally, there are moral issues surrounding the placing of potentially unstable people in a position of great responsibility with lethal weapons by protective security companies. Government agencies may need to offer protective security companies greater assistance in the vetting and scrutinising of employees for the right to work with firearms, particularly given that the Foreign and Commonwealth Office (FCO) uses private security to protect diplomats and residences of British officials worldwide (Robertson, 2010).

Moreover, protective security companies may need to take greater steps to ensure the mental health of their employees, not simply as a moral or legal obligation, but also from a safety perspective of the clients/VIPs they are paid and entrusted to protect. Mental health should be taken seriously, and support for professional operators offered.

Due to constraints, this study focused on Post-Traumatic Stress Disorder; it did not cover depression, anxiety or other forms of mental health; these remain an area for further research. Further research into the effectiveness of the on Trauma Risk Management (TRIM) - trained personnel - would be useful. (British Army [Online] n.d.). Research could also be conducted to establish whether pre-deployment scenario training could reduce the potential for Post-Traumatic Stress Disorder, and whether there could be potential insurance reductions for companies that are pro-active in dealing with the issue of mental health. The education of operators as a whole, in what is a competitive, male-dominated working environment, would also serve to reduce the stigma attached to mental health and would be a positive step in minimising the risks that mental-health issues present to the Private Security Industry.

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Appendix

The Questionnaire

1) Name:
2) Your e-mail address:
3) Age:
4) Sex:
5) Marital Status:
6) Have you served in the military?
7) How long did you serve?
8) Were you psychologically evaluated prior to leaving the services?
9) Please name the countries where you have performed close protection/psd duties.
10) Number of years experience in the commercial security industry?
11) Are you currently employed by a Private Security Company (PSC)?
12) Do you have, or have you had, a Security Industry Authority (SIA) licence?
13) How many different PSCs have you worked for?
14) Did you ever suffer a traumatic event while serving in the military?
15) Were you asked any questions relating to your mental health in the interview and vetting processes when joining any of the PSCs you worked for?
16) Were you asked about any previous attacks or incidents while in the military or time spent with other PSCs?
17) Have you been involved in an attack while performing your duties? If so, please indicate which type of attack:

No, never.
One physical assault.
One Small-arms-fire (SAF) attack.
One In-direct-fire (IDF) attack.
One Improvised explosive device (IED) attack.
None of the above (please elaborate in the box below).
More than one attack (please elaborate in the box below).
Other (Please Specify):

18) Have you ever experienced a traumatic event in the course of your protective duties?
19) Were you offered any counselling or emotional support after an attack or incident?
20) Would you feel you could ask your Supervisor/Team Leader for help regarding emotional or mental issues?
21) Do you think the issue of mental health is taken seriously in the armed sector of close protection/PSD work?
22) Have you experienced or been exposed to a traumatic event? IF THE ANSWER IS NO - PLEASE GO TO THE LAST QUESTION
23) During the traumatic event, did you experience or witness serious injury or death, or the threat of injury or death?
24) During the traumatic event, did you feel intense fear, helplessness, and/or horror?
25) Do you regularly experience intrusive thoughts or images about the traumatic event?
26) Do you sometimes feel like you are re-living the event or that it is happening all over again?
27) Do you have recurrent nightmares or distressing dreams about the traumatic event?
28) Do you feel intense distress when something reminds you of the traumatic event, whether it's something you think about or something you see?
29) Do you try to avoid thoughts, feelings or conversations that remind you of the traumatic event?
30) Do you try to avoid activities, people or places that remind you of the traumatic event?
31) Are you unable to remember something important about the traumatic event?
32) Since the trauma took place, do you feel less interested in activities or hobbies that you once enjoyed?
33) Since the trauma took place, do you feel distant from other people or have difficulty trusting them?
34) Since the trauma took place, do you have difficulty experiencing or showing emotions?
35) Do you feel that your future will not be "normal" -- that you won't have a career, marriage, children or a normal life span?
36) Since the traumatic event, have you had difficulty falling or staying asleep?
37) Have you felt irritable or have you had outbursts of anger?
38) Have you had difficulty concentrating, since the trauma?
39) Do you feel guilty because others died or were hurt during the traumatic event but you survived it?
40) Do you often feel jumpy or startle easily?
41) Do you often feel hyper-vigilant -- that is, are you constantly feeling and acting ready for any kind of threat?
42) Have you been experiencing symptoms for more than one month?
43) Do your symptoms interfere with normal routines, work or school or social activities?
44) Please use this section to add anything of interest (additional experience, comment, opinion, etc.) that may add substance to the survey.

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4 STALKING AND TIGER KIDNAPPING UNDERSTANDING THE RISK

James Alexander Lyle
May 2010

Abstract

This exploratory research examined the crimes of stalking and tiger kidnapping and the effect of these offences on the victims and the adequacy of training to combat these offences. It adopts a qualitative research approach where data is collected from interviewing an opportunistic purposive sample of Close Protective Operatives. Most close protection operatives have only a basic general knowledge on these issues and there is no Protective Security related awareness training or recognised standard guidelines in the current Security Industry Authority (SIA) core competency knowledge and practical skills training. This research has shown that there is a knowledge shortfall within close protection basic training, and the protective security profession should now take some action to address this, with the introduction of awareness training on stalking and tiger kidnapping.

Introduction

According to experts, the biggest problem in tackling stalking is that it is simply not taken seriously enough in the UK. "Stalking is on the increase and it is not just celebrities who are under threat. New research reveals that one in five women and one in ten men in the UK fall victim to some form of the phenomenon" (Coleman,2009) .

Tiger kidnapping is also on the increase with the banking sector being a favoured target, however, other business types, retail outlets, such as jewellers and fast food chains, are also being targeted. "The enormous sums paid for the release of hostages, coupled with the law enforcements inability to stem the tide, has made kidnapping a worldwide plague. The increasing rate of reported incidents from every corner of the globe suggests this plague is growing." (Wright, 2009)

If a close protection operative has knowledge of these issues then he or she can carry out the appropriate risk assessment and a protective security plan can be established.

The aims of this exploratory research is to shed some light on the offences of stalking and tiger kidnapping, on the type of individuals who perpetrate these offences, and how victims of these offences are affected. In addition, the study will also briefly look at the adequacy of current training of Close Protection operatives and identify what needs to be done to improve training.

Literature review

According to Susan Folwell, an expert on traumatic stress, "stalking refers to repeated unwanted contact that harasses and threatens a person, causing him or her fear. It

does not always involve physical contact, but can escalate to the point of physical violence. Stalking behaviours come from the need for a stalker to maintain a sense of power and control, as seen in domestic abuse" (Folwell, 2004).

Michele Pathe' writes that stalking is a new label for behaviour that has almost certainly existed for centuries and that clinical psychologists and medical researchers have developed other definitions, which are not used to prosecute, but to try and understand this condition. One of these clinical definitions defines stalking as a constellation of behaviours involving repeated and persistent attempts to impose on another person unwanted communication and or contact. (Pathe', 2004)

Tiger kidnapping is a serious criminal offence that terrorises it victims long after the event. It is believed that organised crime gangs now train specialist teams to commit the crime. Criminals know that the weak link will always be a human being.

 James Lewry, a senior consultant with Control Risks, states: "People have been roughed up during tiger kidnappings and I fear that it's only a matter time before someone is seriously injured or killed ... The increase in the rate of tiger kidnappings within recent years is believed to be attributable to a hardening of physical security standards while overlooking the important human factor." (Lewry 2008, page ?)   Lewry also states that the media are under-reporting tiger kidnappings, usually because the police and security companies are not keen to highlight the problem. He says it is wrong to think only managers of banks and cash depots are vulnerable, pointing to tiger kidnappings involving jewellers, supermarket managers and even McDonald's staff. Victims are usually terrified and traumatised, and rarely return to the workplace afterwards. (Lewry, 2008) Flanagan states that "tiger kidnappings are taking place in Ireland... at a rate of almost one per week." (Flanagan, 2009) Petersen International Underwriters state that in the past 10 – 15 years there has been an increase in the demand for kidnap and ransom insurance. Insurance providers are now reporting annual growth rates of 15-20%. (Petersen, 2009)

Profiling the Offenders

Stalkers use stalking to maintain and demonstrate continued power and control over their victims, with whom they had a relationship, normally after the relationship has ended. Domestic violence victims are in great danger of being seriously harmed or killed when they are being stalked by their abusers. Stalkers can become more violent as their control over their victims diminishes. Susan Folwell (2004) identifies some common characteristics of stalkers, which include: needing to have (or feel that they have) control over others, being manipulative, reacting jealously and being unable to accept and cope with rejection, as in the case of separation, divorce, and "breaking up". They may also perceive rejection when a victim is simply asking for change.

According to Mullen (1999), there are five stalker Types, as shown below.

The rejected suitor	Sometimes a partner rejected by their spouse or lover may vacillate between overtures of reconciliation and revenge. More than 80% of rejected stalkers in Mullen's study had personality disorders.
The intimacy seeker	The intimacy-seeking stalker intends to establish a relationship with his "true love" regardless of her wishes. More than half of the intimacy seekers Mullen evaluated were delusional, believing that their love was reciprocating, and nearly a third had a personality disorder. Legal actions do not work well with intimacy seekers, who may justify their behaviour with the belief they must pay a price for true love.
The incompetent suitor	This type is typically a man who had been rebuffed after asking a woman for a date. He is often socially inept, and when rejected, begins to stalk with the hope that his persistent behaviour will change the woman's mind.
The resentful stalker	These offenders express anger in response to a perception that they have been humiliated or treated unfairly by the person they are obsessed about. They thrive on having a sense of power and control over the victim, and are hard to treat because they often see themselves as the victim.
The predatory stalker	This stalker admits to preparing to sexually attack a random victim. This type derives pleasure from gathering information about the target and fantasizing about the assault. They often have prior convictions as sexual deviants.

According to Lewry (2008) networks of career criminals, who use elaborate planning and extensive surveillance on their victims, commit tiger kidnapping. Case studies show that a minimum of three people will undertake tiger kidnap offences, with some examples indicating that between 15 and 20 offenders are involved. This also reduces the chance of individuals being prosecuted, where roles in the commissioning of the offence are difficult to distinguish.

How victims of these offences are affected.
Research by Sheridan (Kim, 2004) shows that the average duration of an on-going stalking case is 40 months and that 77% of victims did not report the situation until over 100 incidents had occurred. The potential effects of stalking on a victim's mental and emotional health are numerous and include denial and self-doubt, insecurity, shame and embarrassment..

The victims of Tiger Kidnapping incidents sustain substantial psychological damage. Most will either not return to work or require long-term counselling. The victims commonly report panic attacks, agoraphobia and sleep deprivation. These events also lead to both internal and external investigations regarding an employer's 'Duty of Care'

considerations prior to the event, often involving Trade Unions or other forms of legal representation. (Wright, 2009)

There is currently no Close Protection related formal training included in the SIA 150 hour or 24 hour syllabus which prepares operatives to deal with or reduce the risk from these offences. (Security Industry Authority, 2009)

Methodology

This study was carried out using qualitative research as it is most suited to the subject of the study. Semi structured interviews were used to gather information, as this type of interviewing tends to be flexible and gives more freedom in responses to both the researcher and the interviewee (Brymen, 2008). Data was collected from interviewing two different groups of close protection operatives: Group 1 consisted of fifteen operatives, from police and military backgrounds all with various levels of experience, who were on 24-hour close protection refresher courses. Group 2 consisted of eighteen Close Protection students who had just completed a 150-hour SIA close protection course. Twelve pre-prepared questions were asked. These questions covered their current and previous training and their knowledge and understanding of stalking and tiger kidnapping offences. Interviewees were also asked to express their opinion on their training.

Informed consent was obtained from the interviewees and anonymity and confidentiality assured and maintained. The interview guide contained the following questions:

- How many years have you been involved in Close Protection
- When you were being trained were you taught about Stalking?
- If yes, do you feel it was useful to you in your Close Protection role?
- Do you think it would enhance your skills having a better understanding of Stalking?
- Do you know how many different types of stalker there are?
- Is stalking a common offence?
- Were you taught about Kidnapping and in particular Tiger Kidnapping?
- What do you understand about Tiger Kidnapping?
- Do you think it would enhance your skills having a better understanding of Tiger Kidnapping?
- Do you think there is a connection between both offences?
- Would you like to have a better knowledge of both offences?
- Do you think it would be a benefit to introduce some type of stalking/kidnap awareness training in Close Protection courses?

Findings

In-group 1, the fifteen experienced operatives, there were varied levels of Close Protection experience ranging from 4 to 20 years. Some had a background in only hostile environments while the others had both hostile and executive protection experience. This group had some knowledge as operatives had dealt with stalking and 13 also had some knowledge of Tiger Kidnapping. However, almost all the operatives of the group wanted enhanced training in stalking and Tiger kidnapping. The one or two operatives who were not keen on further training stated that they were going back to work in hostile environments where these offences are not common. In contrast the members of the group who had worked in the executive and celebrity protection field could see the benefit of further training.

Group One, 15 experienced C.P. Operatives	No Knowledge	Some Knowledge	Would Like further Training
What Percentage had knowledge of Stalking	5	9	12
What Percentage had knowledge of Tiger Kidnapping	1	13	14

In-group 2, there was one female and 17 male students; the female and 3 others coming from a police background and the rest were ex-military. 10 operatives had some knowledge of stalking and 7 had some knowledge of tiger kidnapping. Some of this knowledge was gained prior to the course as those students had police or military backgrounds. Both stalking and tiger kidnapping were mentioned on the course but were not explained in any depth. All operatives in this group wanted further training in both areas, though this may be because they were newly qualified operatives and, therefore, keen to develop their skill levels in an attempt gain employment.

Group Two, 18 newly qualified C.P. Operatives	No Knowledge	Some Knowledge	Would Like further Training
What Percentage had knowledge of Stalking	5	10	18
What Percentage had knowledge of Tiger Kidnapping	5	7	18

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This research has shown that stalking and tiger kidnapping are only briefly mentioned during the Threat Risk Assessment and the counter surveillance awareness sections of the SIA training programme. Answers to some of the interview questions indicated that the operatives have a very basic knowledge of what they may be required to deal with.

Conclusion

This research shows that there is a knowledge shortfall in close protection basic training, and that the mandatory training laid down by the SIA is inadequate in preparing close protection officers in preventing stalking and tiger kidnapping. One main factor that governs the prevention of these crimes is that of the awareness and expertise of the security professional. The findings suggest that the protective security profession needs to take some action to address this by, for example, introducing awareness training on stalking and tiger kidnapping. With financial pressures and increased demands placed on UK police services, all crime prevention is now seen as a multi-agency approach. This means that more and more roles will be passed to the private sector. Increasingly companies and the security professionals they employ will need to take practical steps to reduce their risks. Prevention and crisis management plans should form the bedrock of any strategy for companies operating in kidnapping hot spots. To be able to do this the security professionals need to have an awareness and training in these subjects.

Further research and consultation with experts on these offences are required as such offences are increasing dramatically. The SIA may need to consult with the training providers so that an agreed training programme can be included as part of the Threat Risk Assessment or Surveillance awareness sections of their current syllabus.

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CONTROL OF FORCE: CONFLICTING STANDARDS WITHIN PRIVATE MILITARY COMPANIES IN IRAQ

John B Tristram
May 2010

Abstract

This exploratory study investigates the standards between security agencies operating in Iraq. Specifically, it will concentrate on the issues that affect the control of force. Data was collected by use of a questionnaire and semi structured interviews, focusing on the areas of weapon training, background checks and adherence to 'Rules for the Use of Force.' The findings indicate that, due to a lack of industry regulation and oversight, there are conflicting standards between Private Military Companies in Iraq.

Introduction

Immediately after the second Gulf war in 2003, Private Military Companies from a number of countries, including the United Kingdom, the United States of America and South Africa, started operating in Iraq. Singer (2007) estimates that personnel from thirty different countries were employed as contractors by about fifty Private Military Companies. These organisations provided services that range from logistics, to military and police tactical training and armed protective security. This research will focus solely on those companies that provide armed protective services.

Avant (2005) states that this is a multi-billion dollar industry that is, to all intents and purposes, unregulated, with little or no oversight. Private Military Companies are relatively free from any form of legal control to prevent or punish abuses by the firms or their employees (Singer, 2007). In 2010, this means that there exists the potential for widely differing standards of control of weapons, ammunition, rules for the use of force, weapons training, discipline and human rights, to name but a few.

The aim of this study is to examine the standards of six British Private Military Companies in order to determine whether there are different standards of control of force, within the industry, in Iraq. Previous debates about Private Military Companies have focused on the actual and potential problems surrounding the lack of regulation; this research will attempt to add to the debate by looking into some of the unregulated standards used in the past and comparing them with what exists today in Iraq.

The rationale for undertaking this study is to examine the possibility that a lack of regulation and accountability could ultimately lead to more abuses of the use of force by Private Military Companies and their employees. This is particularly relevant as the British Government has recently stated that it intends to continue using Private Military Companies as part of foreign policy (Moriarty, 2009). Further to this, the British Government had previously reviewed options for regulating Private Military Companies

(Foreign and Commonwealth Office, 2002). Of the six options the government decided to choose self-regulation, with a voluntary code of conduct.

Literature review

Singer (2008) maintains that the employees of today's modern Private Military Companies are unlike either the individual mercenaries used during various conflicts in Africa during the 1960s, or those freelancers still active today. Pelton (2006) describes the difference; mercenaries fight, while security contractors protect, firing back only if they or the facilities they are protecting come under fire, then stopping when the threat has retired or the contractors have made a safe retreat. There are however, some organisations that refuse to accept any difference between private military contractors and mercenaries. Percy (2007) notes that the United Nations (UN) remains the principle source of abolitionism with regards to private force and does not distinguish between mercenaries, Private Military Companies or Private Security Companies.

O'Brien (2007) argues that Private Military Companies should be regulated if they are to develop and be perceived to retain the same degree of public trust and legitimate use of 'public violence' that was bestowed upon the state a number of centuries ago. He also believes that accountability and regulation will go a long way towards legitimising the activities of Private Military Companies.

In 2002 the British government commissioned a green paper entitled 'Private Military Companies: Options for regulation'. The paper describes the difficulties involved with regulating this industry, not least because there is no national or international definition of the term Private Military Company.

Singer (2008) suggests that the industry could naturally self regulate through the effects of market forces. He argues that any firm that acts in an unaccountable or reckless manner would undermine its long-term financial interests.

Avant (2005) describes the Private Military Company industry as a traditional market place, where Private Military Companies have a product to sell in the form of military services. She argues that to maintain their competitiveness and minimise negative actions, these companies will self-regulate, particularly, in areas where it may harm their corporate reputation, such as; hiring licensed security professionals

Method

Information was collected from personnel who have worked for British Private Military Companies in Iraq at some time between the end of the second gulf war in 2003 and December 2009. It was decided that Private Military Companies would not be contacted directly due to the sensitive nature of the research and the highly competitive nature of the industry.

Quantitative data was obtained through the use of a questionnaire emailed to a purposive sample of seventy five private military contractors, of which 36 (48%) replied. This approach was chosen in order to collect as much information as possible, in the shortest possible time and to facilitate communication (Davies, 2007). The thirty six private military contractors had worked for six British Private Military Companies at some time between 2003 and 2009.

Between them, the thirty six private military contractors had worked for six British PMCs, at some time between 2003 and 2009. Bell (2006) maintains that the aim of a survey is to obtain information from a representative selection of a population and then present the resulting data as being representative of that population as a whole. In order to simplify data analysis, it was decided that information from six contractors per company would be used, regardless of if they had worked for any of the other companies during the same period; three from the period: 2003 to 2006 and three from the period: 2006 to 2009.

The questions were based around those issues thought to have an effect on the standards of 'use of force' by Private Military Companies operating in Iraq.

Qualitative data was collected through a series of semi-structured interviews with ten private security contractors currently working in Iraq for British Private Military Companies. The Interviews were aimed at stimulating reflection and exploration (Davis, 2007). The limiting factors in this study were time constraints and difficulty in contacting contractors; some of the personnel contacted were unwilling to take part in the survey.

Analysis and Findings

The six Private Military Companies shall be referred to as company A to company F. The six security contractors per company will be referred to as: Contractor Group 1 (CG1) for the time period 2003-2006 (03 to 06) and Contractor Group 2 (CG2) for the period 2006-2009 (06 to 09). To address the concerns of this research, the analysis of responses from the questionnaire and interviews is shown under a number of relevant subheadings.
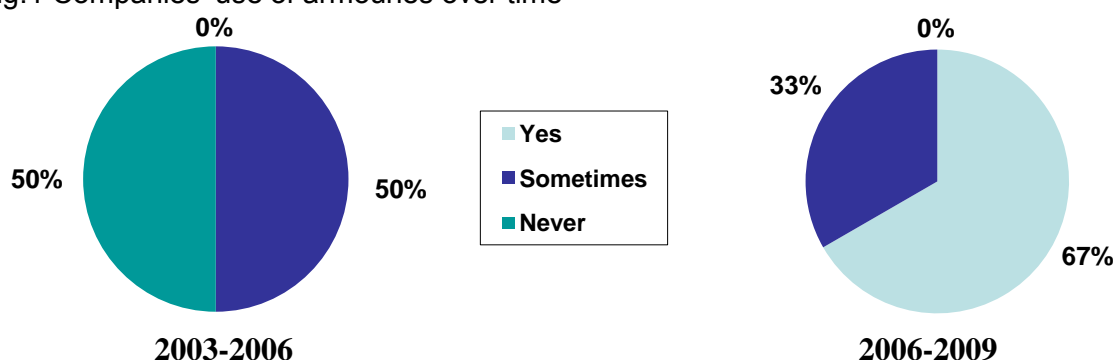
Storage of weapons
Personnel who had been in the country since 2003 reported that, in the first few years after the invasion, very few companies actually had anything secure enough to use as an armoury. Therefore, during this period, it was considered that from a security and logistical viewpoint, it was more practical for weapons and ammunition to remain with the contractor at all times. However, as time moved on and companies became established in fixed locations, buildings or large steel cargo containers started to be used to store ammunition and weapons. Figure 1 shows that in the second period 67% of the companies always locked up weapons when they were not being used, whereas in the first period, 50% said 'sometimes' and 50% said 'never'

Table 1 Locking weapons which are not in use in a dedicated armoury/store

A		B		C		D		E		F	
03-06	06-09	03-06	06-09	03-06	06-09	03-06	06-09	03-06	06-09	03-06	06-09
CG1	CG2	CG1	CG2	CG1	CG2	CG1	CG2	CG1	CG2	CG1	CG2
ST	Yes	Never	Yes	Never	Yes	ST	ST	ST	Yes	Never	ST

(ST= Sometimes)

Fig.1 Companies' use of armouries over time

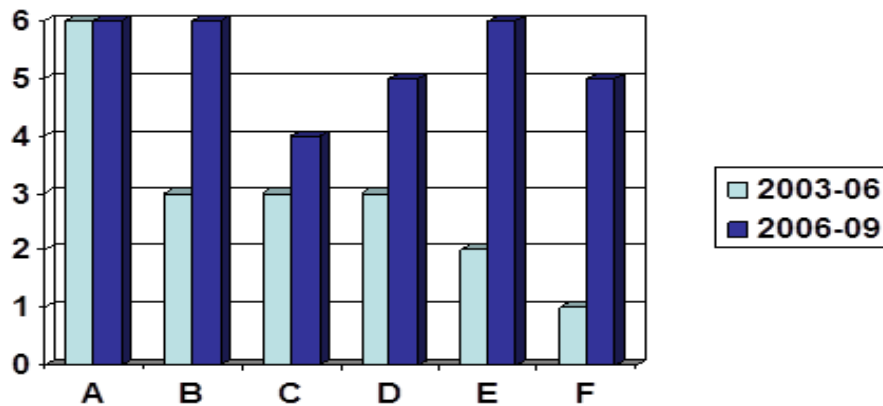| | Yes |
| | Sometimes |
| | Never |

2003-2006 **2006-2009**

Training/revision of formal 'rules for the use of force'

Figure 2 indicates that there was no accepted standard at any time with regards to how often 'rules for the use of force' training should be given. However, it does show that over time 'rules for the use of force' training became more frequent. Most of the interviewees stated that in the first few years following the invasion of Iraq they spent little time training on anything other than weapons and tactics. Interviewees that did regular 'rules for the use of force'   training during the first period were working for companies that had large government contracts, where the client specifically asked for personnel to have this kind of training, and the Private Military Company was contractually obliged to carry it out.

Table 2 Frequency of training by company over time

	A		B		C		D		E		F	
	CG1	CG2	CG1	CG2	CG1	CG2	CG1	CG2	CG1	CG2	CG1	CG2
	03-06	06-09	03-06	06-09	03-06	06-09	03-06	06-09	03-06	06-09	03-06	06-09
Pre-mission (6)	X	X		X						X		
Weekly (5)								X				X
Fortnightly(4)						X						
Monthly (3)			X		X		X					
Rarely (2)									X			
Never (1)											X	

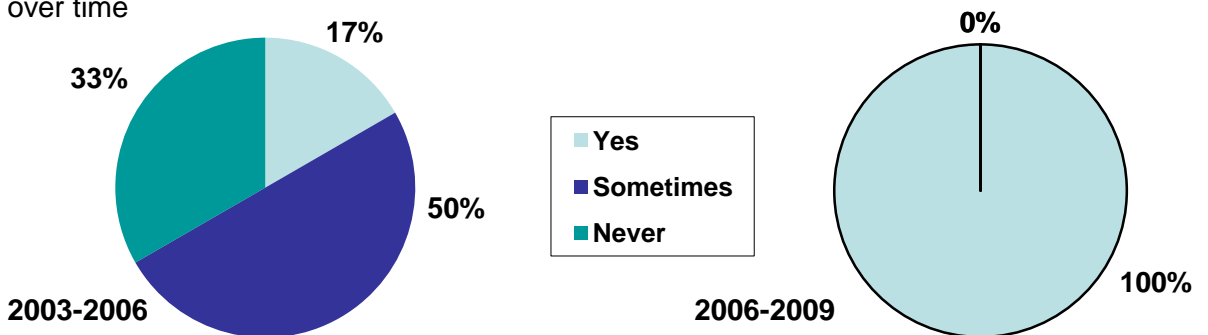Fig. 2 Frequency of training by company over time

Investigation of weapons discharge (WD) incidents
Accountability is an important issue with regards to use of force. It is vital that a Private Military Company carries out an investigation of every shot fired by a security contractor. Figure 3 shows that there was no accepted standard in investigating weapons discharge, until some point during the second time period. This was also stated by the interviewees. The interviewees that were in Iraq in 2007 all agreed that the biggest change in the attitude of the Private Military Companies management, towards 'rules for the use of force' , came during this period and that it coincided with the Blackwater shooting incident of that year (Armstrong, 2009).

Table 3 Private Military Company investigations into weapons discharge over time

A		B		C		D		E		F	
03-06	06-09	03-06	06-09	03-06	06-09	03-06	06-09	03-06	06-09	03-06	06-09
CG1	CG2	CG1	CG2	CG1	CG2	CG1	CG2	CG1	CG2	CG1	CG2
Yes	Yes	No	Yes	ST	Yes	ST	Yes	ST	Yes	No	Yes

Fig. 3 Percentage of Private Military Companies investigations into weapons discharge over time
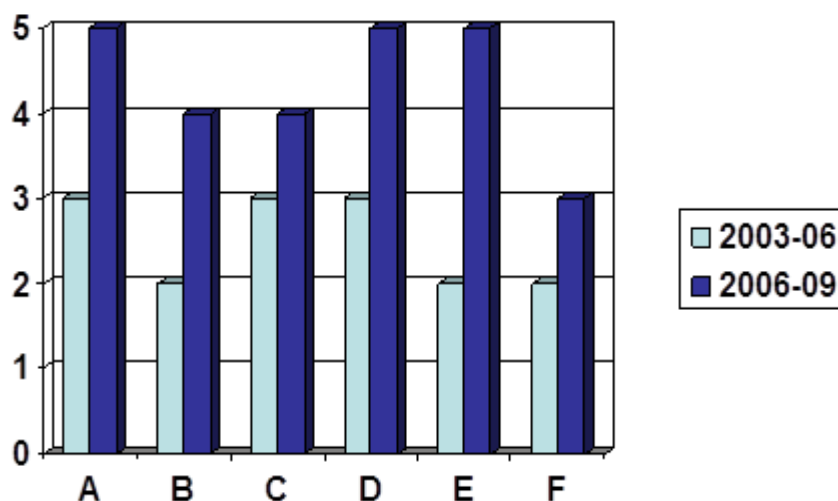
Testing personnel on weapons handling procedures

As Fig. 4 shows, there was an increase in the frequency of weapons testing for personnel during the second period. This seemed to affect all of the companies in the survey apart from company F, whose frequency went from 'rarely,' in the first period, to 'six monthly' in the second. Most of those interviewed stated that the Private Military Companies with large government contracts had training departments, paid for by the client in order to maintain high standards of professionalism within the company.

Table 4 Frequency of weapon handling tests by company, over time.

	A		B		C		D		E		F	
	CG1	CG2	CG1	CG2	CG1	CG2	CG1	CG2	CG1	CG2	CG1	CG2
	03-06	06-09	03-06	06-09	03-06	06-09	03-06	06-09	03-06	06-09	03-06	06-09
Weekly (5)		X						X		X		
Monthly (4)				X		X						
Half yearly (3)	X				X		X					X
Rarely (2)			X						X		X	
Never (1)												

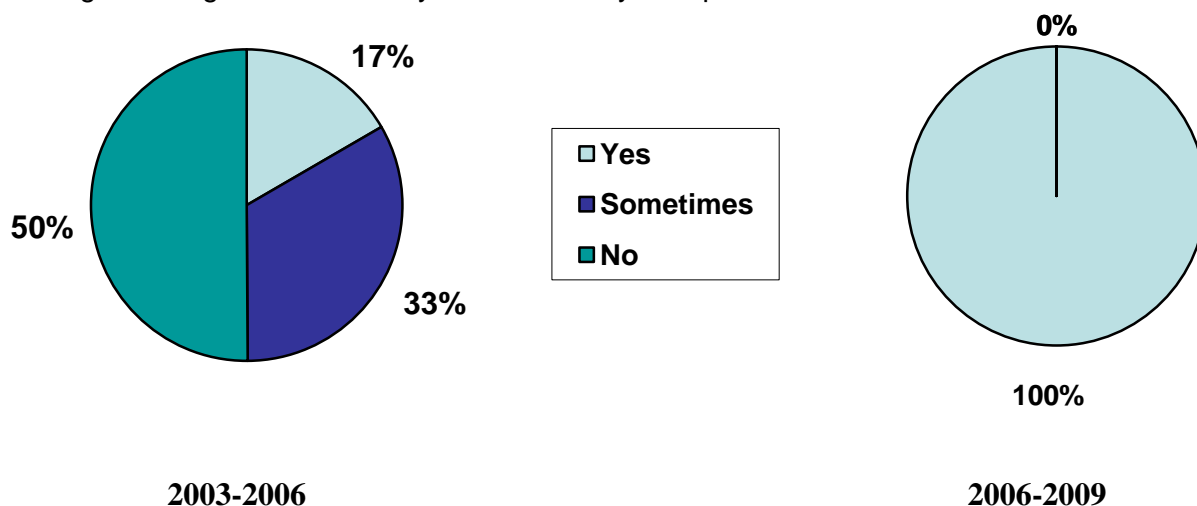Fig. 4 Frequency of weapon handling tests by company, over time.

Background checks of employees
Table 5 and Figure 5 show that, in the first time period, background checks by Private Military Companies were not consistent, with 50% of the companies not doing any background checks, 33% doing checks some of the time and only 17% doing background checks on all employees.   Again, the interviewees believed that the companies who insisted on employee background checks were those with government clients, where it was written into the contract.

Table 5 Background checks undertaken for all employees

A		B		C		D		E		F	
03-06	06-09	03-06	06-09	03-06	06-09	03-06	06-09	03-06	06-09	03-06	06-09
CG1	CG2	CG1	CG2	CG1	CG2	CG1	CG2	CG1	CG2	CG1	CG2
Yes	Yes	No	Yes	No	Yes	ST	Yes	ST	Yes	No	Yes

Fig. 5 Background checks by Private Military Companies over time

2003-2006   **2006-2009**

The results indicate that there are differing standards between Private Military Companies with regards to some of the issues that go to make up control of force in Iraq. The results also suggest that although over time standards effecting control of force have improved, they still differ from one Private Military Company to the next. It also appears that at some time during the period 2006 to 2009 standards pertaining to control of force started to rise. Responses from the interviews suggest that this was due in part to the Private Military Companies fear of losing a contract.   Avant (2005) suggested that Private Military Companies will have to work hard at improving the standards of use of force by their employees as long-term profits may ultimately depend upon their companies public image.

Conclusion

It seems that due to a lack of control and oversight, nationally and internationally, Private Military Companies have been able to set their own standards with regards to control of force. Some evidence does point towards the possibility that competition may help raise the standards of the industry, along with customer led demands for better training and accountability in the form of audits and incident investigations. Until such time as national and international legal frameworks become available for this industry, it will be the customer, or clients' responsibility to insist on the highest standards of control of force from the service provider. Clients should be informed of the kind of services and standards offered by Private Military Companies. They should take into consideration the kind of work previously undertaken by the Private Military Company, along with their reputation and who their previous clients were. In turn, a potential service provider should willingly submit to regular audits, which cover a minimum of the five issues covered in this paper.

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6 CROWDS ARE PEOPLE TOO: A DELIBERATELY PROVOCATIVE CRITIQUE-CUM-RUMINATION OF QUALITATIVE METHODOLOGY AND REPRESENTATION IN CROWD SAFETY AND SECURITY RESEARCH

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Abstract
This paper is the product of my own experience and thought processes as a qualitative empiricist who has recently entered the highly positivistic academic realm of crowd safety and security. In many ways it is a deliberate attempt to incite those that are more actively engaged in the discipline and especially forge debate about the evolutionary course of crowd-related research. But I do this as a sociologist of sport, or a protagonist sat only on the periphery of the industry offering an outsider's eye. I attempt to highlight what I consider to be shortcomings or potential future pitfalls of crowd safety and security research methodologies and (tentatively) urge scholars working in this field to (re)consider the socio-cultural features of crowds as significant and 'useful'. I also (again tentatively) offer suggestions as to how we might represent crowds in academic writing in the future.

Crowd safety and security is an academically fledgling industry; it says so in the Editors' statement towards the beginning of this journal issue. From this we might assume that it is an industry of practitioners of varying experience and only neophyte academic theorists and empiricists. This point is debateable in a mode of generality but what is indisputable is that crowd safety and security has a history of scholarship, albeit a recent history relative to other similarly vocational foci. What we must not confuse here is crowd safety and crowd management as neo-academic disciplines with the study or philosophy of crowds. The latter has an extended history to be found in the seminal work of Le Bon (1897) and less obviously in the arts (e.g. Ibsen, 1882). The two of course are or should be interdependent studies, and the written history of crowds is certainly apparent, sometimes influential, in recent crowd safety and security research. That the real significance of these early musings about crowds and crowd behaviour is becoming lost, however, is a point I will come on to suggest, and will further suggest that this history may also be the future. For now, I simply make the point that crowd safety and security is not an 'academically fledgling' industry in the sense of having no historical base or no experienced academics or only a very shallow pool of rigorous research, but rather it is largely and unnecessarily paradigmatically confined. It is fledgling in as much as it is yet to evolve.

Berlonghi (1995) argues that the understanding of crowds and crowd behaviour must not remain an academic exercise and should rather find appropriate application and implementation. I would argue that crowd safety and security has barely set foot in the 'academic', in the true sense of the word, and must develop here before effective implementation can be considered. These criticisms do not have a target but do have an origin. Crowd safety and security is a young academic discipline born out of a much older industry and so it is to be expected that research is overwhelmingly, perhaps necessarily at this time, restricted to actions and rarely epistemological advances. It is also a discipline born and nurtured at a time in history so entrenched in discourses of

governmentality(1) to scupper the evolution of research in any given subject. To qualify, universities are the historic home of research but even universities have been imposed upon by the performative culture and its economic policy discourse(2), resulting in a special focus on applied or 'useful' research. It is what Bourdieu (1998) describes as a 'radical separation' of the economic from the social, or the matter-of-fact from the discursive, multi-faceted unknown, where the latter is left to one side, abandoned to sociologists and especially the postmodern thinkers where its value is purely anecdotal. What is lost in this discourse is that the sole purpose of research is the production and advancement of knowledge and that all knowledge is applicable, transferrable and any other '-able' buzzword so valued in our entrepreneurial society. My point here is that research should not simply be about the production of 'just the right amount of knowledge' to blindly implement to solve the obvious problem of the day, but rather is about knowledge itself; critical knowledge or gratuitous knowledge, or better, 'academic' knowledge. The study of crowds, for instance, appears trapped in a bubble of quantifiable information, be it rates of ingress/egress, statistics of alcohol consumption and related injury, or the measurable and describable physical aspects of spaces where crowds converge. Where qualitative research methodologies are adopted, often as a part of a wider quantitative design, there is a tendency to apply positivistic epistemologies (see Guba and Lincoln, 1994 for introductory reading about research paradigms and epistemologies) and to effectively quantify the qualitative. I will not support these statements with citations to specific examples since it is not my intention to disparage these works. Indeed, the research that is produced in the positivistic sphere has considerable value – perhaps a greater, more immediate and more obvious 'use-value' than anything I will come on to suggest in this paper – but my point here is simply that there is so much more to be discovered. This failing, if there is a failing, is undoubtedly on the part of the fledgling research regime and not the scholars that work within it. Crowds are people, and people operate in a fluid state of life politics and human togetherness. This humanity was once the basis of all literature about crowds. Le Bon wrote principally about human politics, proposing a theory of the 'collective mind' that still stands tall amongst the ruminations of more recent sages of philosophy, psychology and sociology. But Le Bon did not aimlessly muse about the ineffectual and, rather, continuously draw attention to the practical implications. His work has a use-value and yet it appears rarely used – often cited but scarcely captured. I do not propose here that crowd safety and security scholars face backwards and accept Le Bon as some kind of prophet. Indeed, his 'era of crowds' is long gone, or has certainly changed, and his approach is reductionist, largely ignorant of individualism and its consequence. However, the fundamental reasoning that underpins Le Bon, the focus on crowds as people that exhibit meaningful behaviours, must be recaptured. I am not calling for the abandonment of the quantitative or even the positivistic qualitative methodologies, which still serve a considerable purpose, but do propose a move away from the *purely* objective analysis of all things 'crowd safety and security' and toward a (re)incorporation of the human element and especially the individual and the interaction of individuals in order to better understand the lived experience.

Bauman (2000) suggests that we live in 'liquid modernity'; a time when the social world, like a liquid, cannot easily hold its shape, dividing the plenipotentiary of reason, emancipating individualities and changing the existentiality of community. The word

'community' here can be easily substituted with 'crowds'. Societies and the subset of crowds within them are 'individualised' (Bauman, 2001) and exist only as 'postulated communities', which are 'projects rather than realities, something that comes after, not before the individual choice' (Bauman, 2000, p169). Unlike Le Bon, then, Bauman may contend that the collective consciousness of the crowd is little more than an idealistic and unsustainable promise of togetherness that can never surpass the power of the individual choice to be part of that crowd and to therefore maintain the crowd. Crowds are not a group but, rather, are a collection of individuals that for a time choose to follow a similar path for the benefit of the individual and not for the crowd itself. They are built on a spectacle that has only a limited life-span and, thus, the only constant of crowds is their ephemerality. Such theorising, if nothing else, has considerable heuristic value and if one was to entertain these ideas then one must also admit to profound consequences for crowd safety and security research, which perhaps, certainly from Bauman's standpoint, has a tendency to over-generalise the persona of crowds. As an example, and still refraining from highlighting specific works, studies of football hooliganism and football crowds more generally in crowd safety and security research (although less so in sociological analyses) may be accused of reducing the crowd to a collective consciousness and crowd behaviours to a typological checklist. But what of the football fan? Who is s/he? Without knowing who *s/he* is, what are the chances of knowing who *they* are? And without knowing who they are, how can we explain their behaviour and implement effective policies and procedures for crowd management and crowd control?

What I am suggesting is that crowd safety and security research is facing, or will face at some point in its evolutionary journey, a 'crisis of representation'. This crisis is what Denzin and Lincoln (1994) suggest gave way to the 'fifth moment' in qualitative research, which clearly is preceded by four earlier moments, or 'successive waves of epistemological theorising' (Denzin and Lincoln, 2003, p4), extending from the traditional, positivistic period, through the modernist phase and the incongruity of multiple but 'blurred' epistemologies that ultimately resulted in the crisis of representation in which new models of 'truth' were sought. In other words, the social sciences could find little agreement on how best to explore the reality of people's lived experiences, and all previous ways of representing these experiences appeared flawed. In more mainstream areas of the social sciences, the evolution of research through these moments has taken a hundred years or more, leaving the 'new' subjects such as crowd safety and security somewhat lagging behind. For me, the qualitative research to be found in this industry remains a product of the first, traditional moment. One could argue that the industry's academic youthfulness places it at a disadvantage or that it is at a natural stage and should be allowed to take its natural evolutionary course. However, crowd safety and security research benefits from being inter-disciplinary allowing certain topics for research to call upon the more established frameworks of the broader social sciences, or to enter the 'fifth moment' of qualitative research. This moment calls for the concept of the aloof researcher to be abandoned, and for grand narratives to be replaced by more local, small-scale theories fitted to specific situations (Denzin and Lincoln, 1994).

Good examples of localised narratives can be found on the periphery of crowd research, such as Phadke's (2005) exploration of the significance of women's class and religious

identities in the pursuit of space amongst the crowds of Mumbai. It is perhaps on the periphery that these studies should remain for the time being where they can accumulate meaning in a growing number of likeminded research endeavours. By this I mean, their usefulness may not yet be apparent, but useful they remain as purely 'academic' texts for emancipatory purposes. Phadke's work, however, merely bridges part of evolutionary gap and does not yet account for the individualism of human experience that Bauman speaks of. For this we need to go beyond crowd-related research to its established related disciplines. Sociology of sport, for instance, has taken recent interest in the sports fan – the individual within the crowd. To understand the sports fan as a collective mind, however, is an impossible task. Each has their own continuing and developing life story that becomes assimilated into the sports crowd, thus rendering each and every story a significant element for the crowd researcher. Sociologist David Rowe (2000) takes this thesis to the extreme, producing an evocative and entirely fictional tale of football fandom. It is a short tale of one lived experience, of football's envelopment of life and love, based not on any kind of empirical evidence but on personal experience, existing theory and popular literature (see Rowe, 2003). I tell of this not because Rowe's tale has any kind of obvious use-value for crowd research because, indeed, it tells us nothing about football crowds and is rather a story of the incompatibility of fandom and personal relationships. But his tale is potentially useful for two reasons. Firstly, the experience Rowe describes has a certain redolence. It exposes familiar themes that help us, as academics, better understand the identities that compose the postulated football crowd. In other words, it begins to answer (by no means definitively) those questions about who the football fan is, and therefore who the football crowd is. It disposes of the grand and even localised narratives about football crowds and instead adopts an individualised narrative, which finds its use-value in amongst and in conjunction with other local and individual narratives that collectively provide a more detailed, more 'real' representation. This is of course a longitudinal project the fruits of which could not be harvested by the crowd safety and security research for the foreseeable future, but this is not to say that scholars should not be looking to pre-empt the need for the individualised account of crowds. Indeed, I intend this paper to be nothing more than rumination, about possibilities and 'interesting' trajectories, but of one thing I am certain; crowd research must evolve epistemologically if it is to become established, appreciated and if it is to survive as an *academic* discipline. If you remain unconvinced, perhaps even stalwartly opposed to my suggestions for a use-value of Rowe's work and about my musings about the future of crowd research more generally, then I am sure you are not alone in this. For many of us Rowe simply goes too far with his highly unorthodox methodology and a focus so confined to singular experience to be unproductive. However, the second and more immediate use-value of Rowe's tale is to be found not in its method and subject knowledge but in its mode of representation. It is a story, which provides an advanced way of knowing about the football fan. The data that informs the tale could just as well have been collected with use of more 'valid' or credible methods, such as observation or interviews with a more representative sample. What a researcher finds with these methods, if executed correctly, is the lived experience of those under their gaze, and yet traditionally the researcher then consciously picks apart and fragments this experience, rendering the academic outcome poles apart from the lived reality, unrecognisable to the respondents. Why then not represent data as something more 'real', within a 'real'

context evocative enough to generate empathetic response? Data may be collected by scientific, pseudo-scientific or interpretative method, but in any case can be represented in a way that mirrors life as most of us know it, as lived experience.

I turn my attention now to constructing my own tale, in part to briefly represent a lived experience of being in a crowd and also to try to demonstrate a 'usefulness' of such accounts. The tale that follows is about a white, middle-class man in his late twenties experiencing his first major outdoor music festival in the UK. I call it *On the Fringes of Crowds*, because it is not about a person in the midst of a crowd or about a person that feels a part of a crowd, but rather is about a first experience of being on the site of a major music event. It is built partly on personal experience where at times I am the man in question, but at other times I represent the experiences of others I have spoken to but still through the eyes and the voice of the principal character. I cannot claim that this particular tale is built on research, since my attendance at this festival was not for research purposes and I did not foresee writing this paper. It is therefore a retrospective account, a reminiscence forged from flâneur, but were this research to be done then qualitative methods such as ethnography, autoethnography (see Sparkes, 2002) and in-depth interviews would serve the purpose well.

> *I pull off my coat not for the first time on a day the weather cannot seemingly commit. I've been engaged in mass shiverings under any shelter the masses could find and have been cooked to the brink of delirium under the occasional roasting sun. It is too difficult to say whether my coat is now sodden by downpour or permeated by sweat, but my once white t-shirt is now translucent but for the square photo print of Bananarama that sits across the chest. I wear it tongue in cheek, of course, but not entirely without regret. It seems my lampoonery, sophisticated as it is, is lost on some, not least the wiry, pubescent asshole that earlier gobbed our something green, sticky and altogether unpleasant, striking Sara Dallin in the eye. His action was of course widely endorsed by the army of shirtless youths that had now stopped, turned and stood behind the gobber, unflinchingly staring at me in a manner inviting me to retort. I put on my best, most pompous 'youth-of-today-tut-tut' look, while taking enough care not to be too provocative. The youths with little conviction turned and walked away in search of their next victim, like bullies pillaging the school playground. And like bullies they showed much discrimination in their selection. No-one of bulk that might react and break the youths' bony carcasses in half and no-one so prim or aged to tell on them to the marauding security. Their pleasure it seems comes not from the music or the frivolity of festivities, but from premeditated and careful displays of machismo. Not once have I seen their kind just stand and listen, to the music or to one another, and instead they cruise the open-ish spaces clutching plastic cups full of beer. They walk with a deliberate arrogance, ever the opportunists, in quest of confrontation or thievery. Where the space before them runs out and meets a dense crowd of swaying listeners close to the stages, they do not go round but through the crowd, with no courtesy or graciousness. From higher ground one can see the crowd ripple as they pass through, the dedicated listeners stumbling on the sodden, uneven turf desperately seeking solid footing. These youths are the*

provocateurs of anti-social endeavour. Their kind is not a rarity here, but their form of intimidation seems tolerated so long they do not cause an obvious scene.

I approach the Main Stage where The Kooks have already begun their set. Awed by the massive crowd I stand back for a moment, chin pinned to my chest and scratching the last remnants of crust from Sara's face. The best viewpoint now appears to be right here a few metres back from the fringe of masses. Better here than in the thick of it anyway. The last time I was amidst the crowd itself I found myself slow-roasting with not enough room to remove my coat and then I jarred my ankle as the crowd swayed and the slippery grass caused my foot to move in way nature didn't intend it to. The fringe of the crowd is much better for me, though still not without its hazards. The fringe is unfriendly territory. It is where the shirtless youths prowl looking to exploit the pathetic crowd-shirkers, like a predator picking-off strays from the herd. It is where the piss-heads stumble and bawl, vomit and urinate without discernment. These behaviours are tolerable from the right sort of piss-head... the sort that comes for music and joviality but unknowingly, so gradually, falls victim to alcohol's ubiquitousness. We've all been there at some time or another and empathy finds forgiveness and lightens any sense of alarm. Not so with the wrong sort of piss-head... the heavy-set man in grey combat trousers, head shaved so close to see what little there is of a brain. His eyes are wild, staring unblinking at his equally pissed girlfriend as she pushes him firm in the chest causing him to stagger this way and that and then collapse into a heap. He gets to his feet and grabs her arms and they stagger together. Bystanders look on in disbelief, occasionally glancing at the security guy stood not thirty yards away. Shouldn't he be doing something? The piss-heads might not be stabbing each other or throttling innocent onlookers but a menace they remain as intimidators and, in their drunken state of unawares, potentially a threat to the safety and security of others. I do not seem to be alone in my discomfort. The middle-age, haughty red wine drinkers to my left scoop-up their belongings and vacate the scene. Perhaps I or the haughties should collar the security guy and point out the fracas, but he looks as unsavoury as any one of the bestial terrors to be found around the fringe of the crowd. All in all I'd rather take my chances with the piss-heads.

The tale is limited, for certain, but incorporates themes that I read about with some regularity in formal crowd safety and security literature, in student work and in published research. The partial knowledge of crowds presented in this tale therefore corroborates and validates the research and the opinions of industry practitioners and academics. In other words, it has a use-value. Had I the gift of foresight and approached this music festival as a subject of research, then the tale would have been based on 'being there' (Sparkes, 2002) in the sense of collecting data, but I would have presented it in a similar way; one that does not detach the researcher from the experience or attempt to present the data as something tangible – a fact or a truth that cannot be disputed. Experiences are always individual and this tale is but one version of the truth represented in a way that is more fitting for a lived experience. As Rowe (2003, p120) contends, it is a 'misconception [that] academic text [is] somehow less manufactured, more "real" that its literary equivalent'. Are Ibsen's (1882) sharp observations of crowd behaviour any less

fervent because he chose to represent them in a play? Indeed, they are perhaps more significant because the reality he presents is 'viscerally inhabitable' (Rhinehart, 1998); it is 'showing' and not just 'telling' (Richardson, 1997) the reader of the make-up, behaviours and socio-political leanings of the crowd.

So can I suggest that the future of crowd research may be found in its long-forgotten past, in the literary observations of crowds gone by? Only tentatively, perhaps, for the simple reason that this paper is intended to be provocative and engineered for academic recourse. Crowd safety and security is an academically fledgling industry through no fault of those that work within it. It has evolved satisfactorily in its scientific endeavours but to the detriment it seems of the critical cultural, (human-)experiential facet of this undeniably people-centred industry. These people need to be represented for both academic and pragmatic purposes, but cannot solely be represented by statistics of ingress and egress or consumption statistics, or indeed represented as a monolith of crowd psyche.   The industry is academically fledgling here in its social, 'soft science' quarter; it is behind the times methodologically and epistemologically and as a consequence the crowd itself is barely represented. My suggestion, or remedy, is an extreme one; to take a massive evolutionary leap, to understand the 'crisis of representation' it faces and to appreciate that the crowd is people and that amongst the people is a person with an enormously powerful and 'useful' story to tell.

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1 Governmentality is a concept developed by sociologist Michel Foucault in his lectures at the College de France (see Lemke, 2001), which broadly refers to the rational(ised) processes and techniques governments use in order to create citizens that 'fit' with their particular political ideology

2 The idea of a performative culture is related to the concept of performativity (see Butler, 1997) and that of governmentality (see above endnote). It refers to the power of discourse and especially repeated authoritative speech (such as laws and conventions) to create phenomena; in this case an economic, productive, entrepreneurial policy, which all citizens are compelled to 'perform'

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7 WELCOME TO THE JUNGLE: IS THERE AN UNWARRANTED FEAR OF LIABILITY FOR MOSHING, CROWD SURFING AND STAGE DIVING?

Professor Ben Challis
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When I was a teenage punk rocker in the late seventies, one of the joys of going to gigs was being able to pogo in some venues – bounce around with wanton abandon and then immediately as the music stopped, look down to see what badges you could collect – to replace the ones that had fallen off in the heat of the moment. Then along came grunge and the word 'mosh pit' was coined and groups of (mostly) male fans would indulge in often physical, aggressive and violent mass dancing (see Upton, 2004 and Marshall, 2004). In the nineties promoters, venues, event organisers and show security all had to get used to crowd surfing and stage diving – as well as moshing - and face up to the fact that at some events the audience and sometimes the performers voluntarily took part in potentially dangerous, if not lethal, activities. Unsurprisingly this is when the law suits began and the 'no win no fee' lawyers arrived.

One of the most widely reported tragedies is the death of Australian Jessica Michalik who was crushed to death at 2001 Big Day Out Festival in Sydney during a performance by Limp Bizkit. The Coroner's Court of New South Wales criticised the crowd control measures in use at the time, and also criticised Limp Bizkit lead singer Fred Durst for "alarming and inflammatory" comments during the rescue effort. Durst defended the band saying that he had warned event organisers against minimal security, adding in answer to claims that the band had provoked the incident that after the incident DJ Lethal played a quiet computer-generated loop which had a soothing effect on the crowd. On balance the Coroner held that whilst the band "could've been more helpful in efforts to aid the girl" the security practices employed by the festival organisers bore the brunt of the blame. Anyone who has seen the footage of the band at Woodstock '99 will see the effect they can have on an audience.

In 2002 The Seattle Times reported on the injuries suffered by the then 14 year old *Sc*ott Stone in a mosh pit at an all-ages show by the California band Rage Against the Machine*. "Leaving his seat to join the fans packed in front of the stage, the then 14-year-old suddenly found himself hoisted up in the arms of strangers, being passed back, over the heads of other concertgoers, until there was no one left to catch him. His fall to Mercer Arena's cement floor left him with permanent brain damage."* Stone's parents reached an out-of-court settlement with the band, the City of Seattle which owns the Mercer Arena, the concert promoter and the security company contracted for the September 1996 event. The City's share of the settlement, covered under the security company's insurance policy, was $400,000, according to a City attorney (Green, 2002).

In 2006 the Leeds Coroner recorded a verdict of accidental death after the inquest into the tragic death of Patrick Sherry**,** the 29 year old frontman of Bad Beat Revue and a married father of two who died after diving from a stage, hitting a wooden floor. An eye witness described the tragedy saying "*He put the microphone down and crouched before leaping off the stage, which was about a metre high, and trying to grab the rig. I don't know whether he caught it or not, but his momentum carried him forward. He went*

upside down and hit the floor head-first. The whole thing lasted about five seconds. It was horrendous." A year later a fan died at a Smashing Pumpkins gig in Vancouver, Canada after being involved in what police described as a "mosh pit or crowd-surfing incident" in an "out of control mosh pit." The man was removed unconscious from the crowd inside the PNE Forum venue and first aid specialists failed to revive him before he was transferred to a nearby hospital where he died. Most recently in December 2009 sixteen year old Jamie Craig went into cardiac arrest after being hit in the chest during a concert at Blacktown Masonic Hall in Sydney. The mosh pit incident lead to the teenager being hospitalised on life support for eight days.

So where does this leave the live events industry? Well some argue that it should take far greater care of the audience – and should ban mosh pits, stage diving and crowd surfing altogether. The Seattle Times reports that after the 2002 Stone incident a handful of U.S. cities and some bands decided to *" ban crowd surfing and stage diving"* but pointed out that "*there are no national standards for concert safety, and no one has exact numbers on how many people are injured in mosh pits every year. One survey cites at least 10 deaths and more than 1,000 injuries resulting from just 15 U.S. concerts last year."* Conversely, some argue that music events are meant to be fun and no-one can protect against every risk, especially those which are voluntarily assumed by some members of the audience.

So which is right? We invite our young people to our shows and venues. We sell alcohol. We book bands to play loud and exciting music. And we allow fans to indulge in potentially life threatening but 'cool' activities - which we should protect them against. Correct? Or is it that audiences come to exciting shows and want to enjoy themselves, and a small minority enjoy potentially dangerous activities, which they willingly indulge in at their own risk. Is that right? Or is it somewhere in between?

The website Safe Concerts accurately describes the tension:

> *For some people crowd surfing,* stage diving and moshing are part of a cultural 'norm' and seen as a natural part of the whole music scene, the risk of injury is accepted and they have a sort of informal 'code of conduct'. For others these activities are seen as totally anti social spoiling the event, some people are deterred from attending. Opponents of these activities (crowd surfing in particular) point out serious problems in that injuries often occur when a surfer is dropped by the crowd from a height of several feet injuring the innocent concert goers below as well as themselves, these injuries can be serious, lead to disability and in some cases prove fatal.

No one knows if Scott Stone "*purposefully thrust himself into the arms of the crowd or was forced up by older youths"* who, according to witnesses, *"were throwing smaller kids and girls up onto the crowd, forcing them to crowd surf against their will."* The City's assistant attorney said *"It was the City's position that Scott Stone attended concerts before, he crowd surfed before, he'd been warned not to do it by his father and he chose to do it repeatedly — so we believe Mr. Stone assumed the risk when he chose to crowd*

surf," adding *"In my judgment, 14-year-olds are perfectly capable of understanding what goes up must come down."*

Paul Wertheimer, who founded Crowd Management Strategies, says "*The fact is, entertainers, venue operator and promoter, as well as hired security, have as their legal responsibility, the establishment and preservation of a safe environment for patrons who attend their events.*" I will turn to the latest developments in the law later but there certainly are some practical steps venues, event organisers, bands and security companies can take to minimise risk. Ron Webb, Stone's attorney at the time said that the settlement was a strong message to concert organisers of their responsibility to provide a safe environment saying *"The concert industry is now on notice that these kinds of actions are unreasonably dangerous"*, referring to crowd surfing and stage diving. Webb said concert organisers *"have a duty to warn of danger and take reasonable measures to correct that danger."*

Wertheimer believes mosh pits can be safe, citing the opening of Seattle's Experience Music Project, where organisers limited the number of people allowed into the pit. But Wertheimer has long warned of the dangers of mosh pits and frustrated by the lack of movement introduced "*mosher-friendly"* safety guidelines They include making safety announcements before a show, liaising with performers, restricting access to mosh pits, allowing over 18s in only, padding barricades, providing free water, banning cigarettes and alcohol in mosh pits, banning crowd surfing, stage diving and steel-toecap-boot-wearing fans and providing specialist first aid and security personnel. The United Kingdom based Safe Concerts website (www.safeconcerts.com), which advocates "music not mayhem", also has an excellent section on moshing, crowd surfing and stage diving again with some clear suggestions on improving crowd safety in mosh pits. The suggestions include a designated and sectioned off area for moshing with cushioned barriers at the front, well publicised moshing etiquette, experienced and proactive security staff, tighter control over the use of drugs and alcohol and banning troublemakers. Artists can do their bit too, *"the bands themselves often set the mood; while one may invite concertgoers to leap into the crowd from the stage, another will remind people to be safe and look out for their neighbour."*

One area of controversy is banning crowd surfing and stage diving completely, as suggested by Stone's attorney. Many fans clearly enjoy both activities and some artists actively encourage crowd surfing and even stage diving. Clearly there are inherent risks to participants, and indeed to others in their proximity, but the live events industry takes differing views on how to deal with this, no doubt reflecting the tension between those at one end of the spectrum who want to ensure health and safety above all else, even if it neuters rock and roll and takes the 'fun' away; and those at the other end who see unfettered enjoyment as their only goal, accepting some risk of injury as 'inevitable' (see Marshall, 2004). Some venues have banned stage diving and crowd surfing at all events. Some have even banned fans sitting on other's shoulders. Some use a 'three strikes and you're out' policy which Safe Concerts explain as "*the first time you get put back, the second you get a warning, the third you're out."* Some rely on audience common sense, warnings and disclaimers. But the fact remains that when fans voluntarily indulge in dangerous behaviour they, and sometimes other members of the

audience, face injury from their actions – and these are sometimes fatal. And where there is personal injury and/or fatality, a law suit usually follows.

In both UK and US law a claim for negligence or occupiers liability would usually only succeed if there is some fault – some blame - in legal terms, the breach of a duty of care by another. In 2006 The Forum venue in Tunbridge Wells won a legal battle after a judge threw out a 'no win no fee' claim brought on behalf of a member of the audience who was injured whilst 'moshing' at a Raging Speedhorn concert. A venue spokesman said that the Forum successfully argued that the venue had a disclaimer about mosh pits printed on their tickets and on the venue walls. In 2003 the Manhattan Supreme Court held that a promoter was not liable for the alleged damaged hearing of the plaintiff (a lawyer!) who should have realised that loud music was played at rock concerts. Judge Martin Schoenfeld dismissed the claim that John Fogerty's music damaged a fan's hearing saying "*if you don't like loud music, don't go to rock concerts*" adding, "*Nobody is forced to attend rock 'n' roll concerts*" (Challis, 2005). The judge found that nothing pointed to the music being unreasonably loud and that "*the doctrine of primary assumption of risk bars the instant action.*" More recently a lawsuit that blamed Apple's iPod music player for causing hearing loss failed before the Ninth Circuit Court of Appeals which upheld an earlier 2008 San Francisco District Court judgment that Apple was not liable for hearing damage saying a reasonable person could easily avoid hearing loss by turning the volume down - and that the iPod did come with a warning.

The leading case on occupiers' liability in the United Kingdom is the Supreme Court decision in Tomlinson v. Congleton Borough Council. In this case a young man dived into a park lake where swimming was banned – his head hit the bottom, he broke his fifth vertebrae and is now a tetraplegic. The claim under the Occupiers Liability Act failed in the House of Lords with Lord Hoffman saying:

> "the law provides compensation only when the injury was someone else's fault." Lord Hoffman went further and confirmed that Mr Tomlinson suffered his injury because he chose to indulge in an activity which had inherent dangers, not because the premises were in a dangerous state. Lord Hoffman said "Mr Tomlinson was a person of full capacity who voluntarily and without any pressure or inducement engaged in an activity which had inherent risk. The risk was that he might not execute his dive properly and so sustain injury. Likewise, a person who goes mountaineering incurs the risk that he might stumble or misjudge where to put his weight. In neither case can the risk be attributed to the state of the premises. Otherwise any premises can be said to be dangerous to someone who chooses to use them for some dangerous activity. In the present case, Mr Tomlinson knew the lake well and even if he had not, the judge's finding was that it contained no dangers which one would not have expected. So the only risk arose out of what he chose to do and not out of the state of the premises … It follows that in my opinion, there was no risk to Mr Tomlinson due to the state of the premises or anything done or omitted upon the premises. That means that there was no risk of a kind which gave rise to a duty under the 1957 or 1984 [Occupiers Liability] Acts. Finally Lord Hoffman put a brake on the growing compensation culture in the UK by saying that what the court had to do was to

> look at the "balance of risk, gravity of injury, cost and social value … it will be extremely rare for an occupier of land to be under a duty to prevent people from taking risks which are inherent in the activities they freely choose to undertake upon the land. If people want to climb mountains, go hang gliding or swim or dive in ponds or lakes, that is their affair. Of course the landowner may for his own reasons wish to prohibit such activities. He may think that they are a danger or inconvenience to himself or others. Or he may take a paternalist view and prefer people not to undertake risky activities on his land. He is entitled to impose such conditions, as the Council did by prohibiting swimming. But the law does not require him to do so. … there is an important question of freedom at stake. It is unjust that the harmless recreation of responsible parents and children with buckets and spades on the beaches should be prohibited in order to comply with what is thought to be a legal duty to safeguard irresponsible visitors against dangers which are perfectly obvious. The fact that such people take no notice of warnings cannot create a duty to take other steps to protect them.

Lord Hobhouse was equally forthright saying:

> The fact [is] that it is not, and should never be, the policy of the law to require the protection of the foolhardy or reckless few to deprive, or interfere with, the enjoyment by the remainder of society of the liberties and amenities to which they are rightly entitled. Does the law require that all trees be cut down because some youths may climb them and fall? Does the law require the coast line and other beauty spots to be lined with warning notices? Does the law require that attractive water side picnic spots be destroyed because of a few foolhardy individuals who choose to ignore warning notices and indulge in activities dangerous only to themselves? The answer to all these questions is, of course, no.

So in both the USA and UK liability in negligence and occupiers liability is based on the breach of a duty of care – and liability will not generally lie where the claimant has voluntarily assumed risk.

Now a New York appellate court has, for the first time, applied the doctrine of primary assumption of the risk to a claim of injury sustained in or in the vicinity of a mosh pit. In Schoneboom v. BB King Blues Club the Appellate Division, First Department held that a club patron was barred by the doctrine of primary assumption of the risk from seeking damages for injuries suffered when an identified person in a group of slam dancers slammed into him. The First Department decision affirmed the order of Justice Marcy Friedman, sitting in Supreme Court, New York County, granting summary judgment. Justice Friedman had noted that the 36-year-old plaintiff testified that he was standing in the vicinity of "*a lot of people bouncing around, bouncing off each other,*" but that he did not participate in the fun. Notwithstanding the claim, Justice Friedman held that the plaintiff, an experienced concertgoer, assumed the risk of being struck by a fellow concertgoer when, although conscious that an aggressive type of moshing was in progress, he deliberately placed himself in proximity to it. Justice Friedman had also rejected the plaintiff's contention that he did not consent to the risk because he did not

actually participate in moshing, stating that "*[i]t is well settled that a spectator generally will be held to have assumed the risks inherent in the game, including the specific risk of being struck.*" Justice Friedman also rejected the plaintiff's contention that he did not assume the risk of an assault or that a triable issue of fact existed as to whether he was assaulted, noting that the plaintiff and his friends, all of whom submitted affidavits in opposition to the motion, did not claim that they made any complaint to security about "assaultive behaviour." In any event, Justice Friedman held that even assuming arguendo that club owners BB King had a duty to impose reasonable security measures to minimise danger, there was no evidence that it breached any such duty (Rosenfeld, 2009).

So it seems courts on both sides of the Atlantic will not automatically hold venues, promoters, artists and security companies liable for injuries caused by voluntary audience activities such as moshing. But they still may find liability in certain circumstances and this is clearly what worries some venues and promoters and indeed it seems to be is what prompts no win no fee lawyers to take on cases - in some instances leading to decisions which to some look like ''health and safety gone mad" (remember the school that banned conkers!). As ever it is a balancing act.

Both the court in *Schoneboom* and the County Court in the UK accepted that on the facts of those cases the promoters and venues owed no immediate liability to moshers. With crowd surfing and stage diving I have to say as a personal opinion that whilst I do find stage diving dangerous, perhaps I find it most worrying because of the risk of injury to other audience members – to the extent that event organisers should always consider a ban. Some have introduced a 'three strikes' policy to overcome the potential risk of legal liability although I have to say that in my personal opinion I cannot see how this actually restricts organiser's liability. A total ban on mosh pits seems an extreme reaction and the sensible guidelines already available can substantially reduce the risk of injury to perhaps that already inherent in any mass gathering of people. A couple of years ago I went to a 'Straight Edge' metal concert at the Camden Underworld – it was well organised with a clear 'moshing' area – and even though I was in the audience I never felt threatened by the moshers. The audience was almost one hundred percent teetotal (and plenty of free water was provided) and clearly the fans had their own etiquette - the moshing was frantic, aggressive and *looked* violent but I saw no signs of any serious injuries. But equally the *Stone* settlement and the recently reported settlements from the *Great White* disaster (Challis 2009) mean that that clearly some involved in the organisation of events will take a cautious line and restrict audience activities.

The fact remains that the law says that where someone voluntarily accepts risk then usually they would not have a claim against another who is not at fault, even if they are injured. Otherwise surely we would have no boxing, no skiing, no horse riding, no American football and no rugby, let alone any motor racing or snow boarding! So why do live event organisers in the music industry still ban crowd surfing and mosh pits? Well, whatever the law says, personal injury claims are still frequently brought and a great many are settled even before a court hearing. It seems as if the threat or *fear* of a lawsuit is the problem, not the law itself. The organiser of the Forum concert reportedly had to stop his insurance company settling the claim in advance of the court action –

and action which he went on to successfully defend. In reality, 'no win no fee' lawyers have created such a fear of liability (or even a fear of legal action and associated costs) that promoters, venues, artists and security companies must consider the fact that where the audience moshes, skanks, pogos, crowd surfs and stage dives they will always face the potential *risk* of a law suit, whoever is to 'blame'. But whether that warrants a total ban on what are clearly enjoyable audience activities for many is a different question. Do we really want a ban on fun?

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Appendix

Definition of certain concert activities. From www.safeconcerts.com

And see Upton, M (2004) *Crowd Safety Planning For Major Concert Events* in Hill I & Kemp C (2004) *Health & Safety Aspects in the Live Events Industry*. Hertfordshire: Entertainment Technology Press.

Crowd Surfing
Individuals are lifted above the crowd and moved horizontally rolling their bodies above the heads of other crowd members, the actual intention is to move toward the stage in order to perform a 'stage dive' Said by some to present a high risk of injury both to the crowd surfer and also to the audience around

Diving

As the name implies this is where here a performer or fan dives from the stage into the crowd. The intention is then that the crowd will support that person above their heads while they crowd surf. Nowadays this is much more difficult for fans to accomplish given the presence of security and stage barriers; some now resort to finding other places within the venue high enough to dive from. Many musicians have made stage diving a part of their stage act. It represents an exciting act of audience participation and musicians have found that it can make an ideal climax to a show. Stage diving has caused some serious injuries and has resulted in death when the stage diver has not been caught by the audience below therefore hitting the floor with some force, sometimes head first. On 20th July 2005 Patrick Sherry front man from Bad beat Review died following a stage dive which went badly wrong.

Moshing

A term used to describe what seventies Punk Rock culture called *slam dancing* . An intense ritualised form of dance where people literally slam into each other. Although moshing looks extremely violent it is said that it is not intended to be. Moshing usually takes place in what is known as the `*mosh pit* ` A mosh pit can start spontaneously anywhere in the crowd and as such is an activity as opposed to a place. Many supporters of moshing view it as a kind of extreme sport. Violence is usually directed against others in the pit, and often only escalates when it is badly received by someone who is outside or not used to the pit.

Skanking

In its original form Skanking was also a term for slam dancing, the it's now more likely to be used to describe a type of mosh pit activity, often referred to as the 'circle pit' where a circle forms within a crowd leaving space in the center. This part of the crowd then moves and rotates in a circular route whilst simultaneously slamming into each other. The spectacle resembles a North American Indian war dance, or when done to extreme it looks like a heaving whirlpool. The size and duration of this undulating, rotating circle depends on the number of people that are drawn into it. Some say that this activity actually incites or condones violence and it's obviously true to say that violence on the concert floor will inevitably lead to injuries.

Pogoing

This activity originated in the seventies during the punk era, it's basically a dance ritual characterised by people literally jumped up and down on the spot as high as they can, often giving a gladiatorial type of salutes whilst slamming into others. The activity is still popular with a range of rock culture crowds and can happen anywhere in the crowd. There are even tougher versions of the pogo, for example the "pig pogo", where people kick and lay about, the risk of injury in this is higher, although you are not supposed to hurt others deliberately.

http://www.safeconcerts.com/crowdsafety/crowd-surfing-moshing.asp

8 GETTING CRITICAL: CONVERTING EXPERIENCE INTO UNDERSTANDING

Professor Patrick Smith, *Bucks New University*
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"When I use a word," Humpty Dumpty said in a rather scornful tone, "it means just what I choose it to mean – neither more, nor less."
Lewis Carroll. Alice through the Looking Glass.

Introduction

Occasionally it has been suggested that were it not for language, human beings would be able to communicate and understand each other far better. Language, it seems, like the carelessly dropped cable, catches and trips us. The reasons for this, I imagine, are primarily concerned with the speed with which we respond, as well as the ease with which words can tumble from our mouths so that we are hardly aware of them. In addition to this immediacy of response clarity is compromised by speakers making the assumption that others share the same understandings. It is not unreasonable to assume that the meaning of a word or phrase is known to a listener, or to an audience, after all we would find it difficult to operate in a world in which we had to ensure that others shared our understandings every time we spoke. Nonetheless it is all too easy to slip into assuming precise shared meanings.

In practical terms however to communicate with people involves shifting from our 'worlds' into the 'worlds' of others; it means crossing boundaries of both understanding and behaviour, and of entering into foreign settings where differences stand out in sharp contrast. Miscommunications and misunderstandings which can be resolved with relative ease in social settings assume far greater significance in classrooms where the development of understanding, knowledge and skills are the principal intentions. Add to this mix the additional element of that power inherent in the role of the teacher and the potential for misunderstandings is amplified even further. The respective worlds of student and teacher can be at such a distance that they are foreign, one from the other. In short, the common terms, expressions and understandings of the teacher's world can be alien jargon to students, and vice versa.

How often has the following lament echoed around the classroom? "But it's all jargon."

This article seeks to explore aspects of communication in the classroom by looking at some features of academic culture which can seem unrelated and alien to mature and experienced individuals. It then outlines a practical means – in this case a Pyramid Exercise - of rooting learning in the world of the mature student in order to develop within them those elements of critical enquiry which are the hallmark of a higher education.

When cultures collide

The language of the academic and the understandings, practices and assumptions that it embodies, can be in sharp contrast to that of the student. I suggest that the greater the divide, the greater the chances for mutual non-communication, disappointment and failure. This difference in cultures can be more exaggerated and potentially more damaging when the student is a mature and experienced adult whose previous experience of education was 15, or 20 years ago.

The world that the student inhabits in the workplace is characterised by its familiarity and its immediacy in terms of need, application, practicality and problem solving. In contrast the world the student enters can appear remote, theoretical and concerned with creating problems where no problems appear to exist. It can appear to be a different and thoroughly alien environment. The cultures of the world of work and the world of the university stand in stark contrast, as Graff (2002: p27) illustrates.

> "As teachers we often proceed as if the rationale of our most basic academic practices is understood by our students, even when we get plenty of signs to the contrary. We take for granted, for example, that reflecting in a self-conscious way about experience – 'intellectualising' – is something that students naturally see the point of and want to learn to do better."

> Graff identifies three counter-intuitive academic practices that further emphasise the cultural divide. The first is that of making problems out of that which does not seem problematic to students; "Nothing better exemplifies the apparently counter-intuitive nature of intellectual practices than their obsession with what appear to be bogus 'problems.'" (p 27.)

> A fairly natural and normal student response might well be: "Why go looking for problems? They occur often enough without looking for them."

The second and third seemingly counter-intuitive practices are related and are concerned with argument and counter argument, in short with adopting positions which are in opposition. The process of arguing a point and of adopting a counter position can appear to be unnecessarily confrontational, aggressive and uncomfortable unless the reasons of testing the strength of a position along with the nature and quality of the evidence supporting it are made clear.

These practices, implicitly embedded in academic practice, are unfamiliar to students, whilst the practice of the posing of issues in dualistic and dichotomous terms is not only both negative and restricting, (Shulman, 1988), but can further emphasise the gap between the incoming student and the university.

What are we doing here?

It might be well to consider at this stage why we are all in Room G2.71 on a wet Monday afternoon in November when the heating does not appear to be working. Allegedly we are concerned with education whose function is about instruction and the creation of understanding, and whose origins lie in notions of 'leading out.'

One of the principal functions of the tutor in leading out students, I would suggest, is to bridge the gap between themselves and the learners, in order to engage those students in their own learning and to make new and different ideas accessible to them. Northedge (2003) refers to teachers taking students on 'excursions' in order to enable them to engage in academic discourse.

Mature adults represent huge reservoirs of knowledge and experience, resources which not only have the potential to enrich and inform the learning of themselves and their peers, but also enable them to appreciate the reasons for and the benefits of theory, reflection, analysis and the development of a critical stance. It would seem prudent therefore to emphasise that these common academic notions of theory, critical analysis, synthesis and the making of reasoned, logical judgements are appreciated by students. After all these are the tools in the academic toolbox and it were better that they were made understandable and familiar to the students, rather than having the students remain ignorant of the purposes of these tools. We are in the business of developing informed and well-rounded students, so it must follow that we would want them to be equipped with a toolbox, or repertoire of learning skills, rather than just a single skill, if only on the basis that a man with a hammer sees every problem as a nail.

Having discussed some general differences in terms of cultures between the world of academia and the workplace, the next section of this article will consider three specific and related concepts, those of being critical, the role of theory and notions of analysis and synthesis.

Being critical

I have already suggested that language is tricky, that a common term may have a range of different meanings. This is the case with the concept of being critical, which has two principal meanings. The first is that of disapproval of a person, thing or idea based on perceived errors, short-comings or faults, whilst the second is concerned with a judgement based on the analysis of the relative merits or faults of an artefact or piece of work. Broadly speaking the first definition is more commonly used in society, whilst the second is what the university tutor is seeking in the outputs of his/her students. In short, critical is not bad and destructive; it seeks to develop more precise understandings, to be discriminate and to provide coherent and logical reasons for understandings and actions. Critical analysis – that term treasured by writers of intended learning outcomes – refers to that process by which a student demonstrates comprehension of ideas and compares the respective merits of these ideas against explicit standards or criteria of

judgement. In short, it is my opinion that this is so because of X, Y and Z and I make this judgement against the standards of A, B and C.

The role of theory

The notion of theory is one which also suffers from a range of interpretations and assumptions which bear little scrutiny. "Oh, that's alright in theory…", we respond when what someone is saying appears to have little relevance or practical use. "…it's airy fairy theory" suggesting that it is little more than whimsy, something insubstantial, like smoke in the air or steam rising from the road after rain, something and nothing.

It seems to me that there are two aspects of theoretical understandings which are crucial to learning. First that each of us operates on theories, whether we know it or not, and second that, as Lewin (2001) puts it that there is nothing as practical as a good theory.

The first suggestion is that we all work from theories. The term theory I take to refer to a set of understandings and beliefs which are intended to explain something, an idea, a technique and/or a system of beliefs and ideas. These understandings and beliefs are based on general and explicit principles, which are independent of that which is being explained. Whether we are driving a bus, building a wall, attempting to negotiate the intricacies of internet banking, or trying to unravel notions of time and space in relation to the galaxy, we are all referring, either consciously or unconsciously, to beliefs, assumptions and understandings about the nature of that with which we are concerned. We are all working from a theory, be it implicit, tacit and private or explicit, vocal and public. To be aware of the theory we are working from is to be able to consider its practicality and effectiveness in a given set of circumstances and furthermore to be in a position to develop that theory in order to make it more effective and adaptable. Thus one of the roles of the tutor inevitably must be to help the student to become aware of their own theories, to evaluate their usefulness and to entertain new and alternative theories. This is the notion of metacognition – arguably a crucial skill that a student can develop.

The second point follows from this, which is that the more informed and discriminating the student can become in the selection and use of theoretical understandings and approaches, the more effective their practice becomes. Or to put it another way, the more tools one has available, along with the knowledge of how to use them, the more effective can be the outcomes of their use. Hence, nothing is more practical than a good theory.

Analysis and Synthesis

Much is made of the twin concepts of analysis and synthesis as generic tools in the educational toolbox and rightly so. It is important that students perceive both their significance and utility. Analysis is concerned with the identification of the constituent

elements of an artefact, concept or communication, the relationships between those parts and the ways in which they are organised. Essentially it is concerned with breaking down and mapping that item. It involves distinguishing between fact and supposition and between that which is significant and that which is extraneous.

By contrast synthesis involves the assembling of separate elements in order to create a whole, be it an artefact, concept or communication. In writing this article I am attempting to synthesise my ideas about how experience can be converted into knowledge and understanding on the part of students. To synthesise then is; "…a process of working with elements, parts, etc., and combining them in such a way as to constitute a pattern or structure not clearly there before." (Bloom et al., 1956: 162).

In order to get students to translate their experience into explicit knowledge and understanding then, analysis and synthesis are essential elements.

In the remainder of this article I will outline an approach intended to relate personal and private experience through critical analysis into explicit and public understanding.
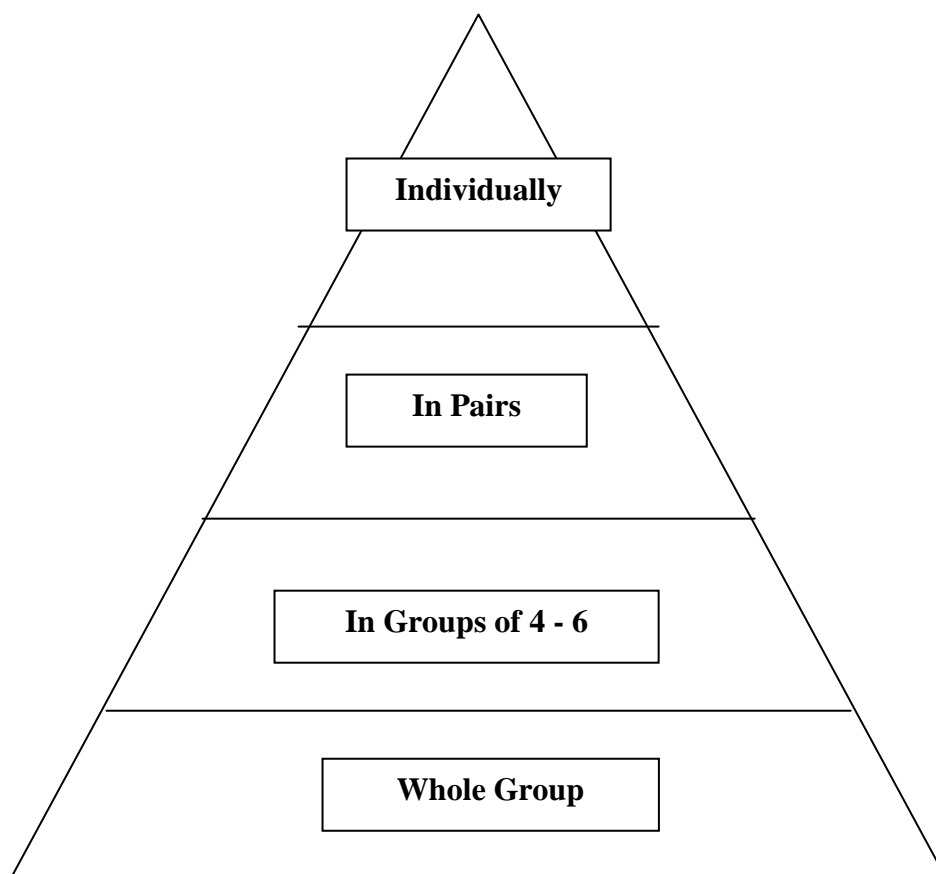
The Pyramid Exercise

Thus far I have suggested that experienced adults undertaking university programmes of study can be faced with challenges in the form of culture shocks, and that tutors are in a position to facilitate the transition from workplace to university in order to optimise the positive outcomes for those concerned. I have also presented and explored concepts which represent the everyday tools of the academic, which students are expected to understand and manage.

In this section I will outline an approach which seeks to facilitate the student's transition from writing descriptively about their own experiences and understandings, to thinking and writing critically by means of discussion and group work.

The Pyramid Exercise is something of a hardy perennial in the facilitation of student learning.   Its principal virtues are that it is flexible, requires students to engage and with deft structuring on the part of the tutor can be used to pass control over to the students and bring it back when the intentions have been achieved. It is also a means of getting the students to develop a basic conceptual map of an area of study, which can subsequently be referred back to in order to relate to concepts and consolidate learning.

The operation of the Pyramid Exercise is summarised in Figure 1 below. For the purpose of illustration I will refer to two ways in which the pyramid can be used; the first focuses on how people learn and the second is concerned with introducing basic notions of leadership and management. In the interests of brevity and space I will sketch in general points as indicators.

Individually students are required to prepare a brief descriptive outline from their own experiences as a learner, or of being led or managed. The emphasis here is on the recall of an actual event or events and their description. This usually takes 7 – 10 minutes and students are asked to complete it in silence, (though it is remarkable how often their minds go blank when asked to recall their experiences!) If individuals are completely stumped then I will often allow them to move to the next stage.

The second stage involves working in pairs. Each presents their accounts to the other. The purposes here are concerned with clarification, the provision of examples if necessary and the expansion of any significant points. At this stage discussions tend to be descriptive, though significant and influential factors might well be referred to. This stage of the exercise takes between 10 and 15 minutes.

The third stage occurs in groups of four – six people. The students are required to re-present their accounts and to respond to three or four prompt questions which start the process of identifying significant factors. Typically groups will be allowed 30+ minutes in which to complete this stage of the exercise, record their findings and to prepare short feedback presentations.

In relation to the process of learning the prompt questions might be:

- Can you identify different ways of learning?
- What factors are common to the experiences of the group?
- What role did teachers play in the learning?

In relation to notions of management and leadership, the groups may be tasked to consider the following questions:

- Can you identify any differences between what managers do and what leaders do?
- Are there different types of managers and leaders?
- If there are differences, how would you describe them?

With the whole group reconvened the individual groups are tasked to feedback and present their findings. This feedback can be straightforward by means of a summary flipchart sheet, or Post-its, or it can be more elaborate, depending on the nature of the relationship between the students and the tutor and the intended outcomes of the exercise. For example feedback might be required in a particular genre – TV Soap, Documentary style or dramatic style, ie: Shakespearean comedy etc.

The point is that the feedback should represent the groups' understandings of those concepts identified and explored and should be available for subsequent reference to serve as a conceptual map of the topic area. Typically in relation to learning and teaching central issues emerge, such as the role of motivation, the influence of good or bad teachers (sadly too often the latter predominate), the importance of tenacity, different preferences and styles of learning, and learning to learn. Whilst in relation to management and leadership notions of who is expected to do what might appear, different types of leader from the hero model to the transformational might be cited, along with issues such as delegation, communication and the benefits and perils of working in teams.

With the students having created a general conceptual map of the field the tutor is then in a position to begin to explore particular aspects of it referring back to the conceptual maps and linking theory to those observations presented in the conceptual maps. For example, in relation to learning, notions of learning preference and style can be explored further by reference to the range of inventories available, whilst both their utility and reliability can be assessed by reference to the work of Coffield et al (2004) – a recent and comprehensive review of the notion of learning styles and those inventories which purport to measure it. In relation to management and leadership similarities and distinctions between the two concepts can be explored by reference to authors, such as, Zaleznik (1992), whose discussion of the essential differences between the two concepts remains an influential work.

The conceptual maps developed by the students will not cover the entire field of study, but there will be successive opportunities for the tutor to refer to what the groups have identified as distinctive and significant as s/he sets out to present and explore the field. In this way the experiences of individuals can be related through discussion with their peers and the tutor to the broader realms of theory. It is not unusual for individuals to

find this process by turns edifying, surprising and reassuring, as exemplified by reactions such as;

> "That's what I've kind of done for years without knowing why – it makes sense now."

To which the tutor, ever ready to nail a learning point down, can respond with;

> "Now you know why, you can see that you have a range of other approaches/strategies that you could use, don't you?"

The point is that the work which originated with the students can be used in such a way as to provide springboards for the presentation and critical analysis of different theoretical positions, thus hopefully making theory relevant to and not distant from what the students do in the workplace.

Discussion

I would not claim that this approach is exclusive, or that it always enjoys complete success, but it has a number of features which recommend it to both students and tutors. Experience suggests that a number of factors are significant; that time spent in thinking through what the tutor wants the students to do in terms of the prompt and tasking questions, is time well spent, and that time observing how the students behave and react provides clues as to levels of comprehension and pointers to be picked up and dealt with subsequently.

Experience also demonstrates that the following features of this approach are advantageous and worthy of consideration, it;

- is socially-based

- allows the tutor to pass control to the students and to take it back when necessary

- relates lived experience to theoretical understandings and perspectives

- promotes discussion and dialogue between all those involved

- closes or even bridges the gap between workplace and academy, and

- often convinces the anxious and uncertain that their experiences and knowledge are worthwhile and valuable.

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