**Preliminary Assessment of Incidents Involving Allegations of Workers to Participant Assault or Unexplained Injuries**

* This guide is based on the Disability Services Commissioner’s publication *Investigations: Guidance for Good Practice (2014)*
* *Disability Worker Exclusion Scheme management instruction (DHHS September 2014)*
* *Disability Worker Exclusion Scheme – Information for disability residential service providers (DHHS)*
* *Working with Children Regulations 2016*
* *NDIS Commission (Incident Management and Reportable Incidents) Rules 2018 (the Rules)*
* *NDIS (Restrictive Practices and Behaviour Support Rules) 2018*

In the event of an allegation of abuse the preliminary assessment includes the initial review of evidence and questioning of workers. The preliminary assessment may establish evidence-based reasons why an investigation should not be conducted. If there is a need to move to the investigation stage the preliminary assessment will inform that investigation.

NB. If the allegation relates to a child refer to: Responding to Allegations of Abuse, Neglect & Exploitation Policy

The preliminary assessment, like the investigation focuses on whether the allegation regarding a worker can be substantiated, whether the participant’s human rights have been abused, and whether the participant has endured trauma. A preliminary assessment that is not thorough, or fails to secure sufficient evidence, may jeopardise the investigation (within five (5) days).

**In all alleged worker to participant assaults, police must be notified as soon as the immediate safety and wellbeing of the participant is assured. The worker will be stood down or be redirected to other duties until the preliminary assessment and/or investigation outcome is known. If the preliminary assessment does not immediately clear the staff member the Disability Worker Exclusion Scheme (DWES) must also be notified that an investigation of alleged assault is being undertaken.**

**Investigations will be the responsibility of the CEO or a Manager who will document the scope of investigation.**

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| **Has the immediate safety and wellbeing of the participant been addressed?** |
| * Has the staff member been separated from the participant?
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| * Has written and electronic communication been suspended?
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| * Has the participant been reviewed by a forensic or other medical professional, or a Centre Against Sexual Assault?
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| * If appropriate or agreed by the participant, has the participant’s family or advocate been notified?
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| * For all staff to participant assaults and some unexplained injuries, have the police been notified and was this done in a timely manner?
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| * Was the incident report completed and submitted in a timely manner?
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| * If DHHS participant, has the allegation been reported as unauthorised restraint on the Restrictive Intervention Data System (RIDS)?
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| * If NDIS participant, has the allegation been reported as a regulated restrictive (seclusion, chemical, mechanical, physical or environmental restraint) practice to the NDIS Commission?
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| **What steps have been taken in the preliminary assessment?** |
| * Have Police been information and has a preliminary assessment been commenced?
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| * Has the allegation been received promptly?
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| * Has the allegation been clarified, where possible?
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| * Has the allegation been accurately documented?
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| * Has an initial risk assessment been undertaken so participant will be safe?
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| * Have all relevant parties been questioned or consulted, including the person identified in the participant’s support plan as their representative, if appropriate?
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| * Has all physical or documentary evidence critical to a police or organisational investigation been preserved?
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| * Have photographs and a detailed description been taken of any injuries and stored in a secure place?
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| **Has the preliminary assessment been informed by a person-centred approach? How has the participant been included in the process?** |
| * Has the participant been asked about their experience and supported to tell their story?
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| * Have they been asked what they need to feel supported and safe?
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| * Have they had their experience acknowledged?
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| * Has their experience of trauma been acknowledged?
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| * Has the participant’s history, including any history with police that may further impact them, been acknowledged?
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| * Has the support plan been reviewed for any reference to related issues or supports?
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| * Who is able to speak for and make decisions on behalf of the participant, if the participant is unable to?
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| * What should be the involvement of family members or advocates?
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| **How has the participant been supported, both immediately and longer term?** |
| * Has the participant’s physical and emotional and psychological wellbeing been considered?
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| * Is the service provider monitoring the participant for changes to their behaviour or wellbeing?
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| * Has counselling been offered to the participant? How has it been offered?
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| * Has a trusted key worker provided initial support and communicated appropriately about next steps?
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| * Has an independent third party been organised for the police interview?
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| * Has the participant’s circle of support been reviewed to ensure it includes at least one person who is external to the service provider?
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| * Is the service provider talking to the participant’s family, advocate or day service about how the participant has been coping since the incident?
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| * Are the participant’s family, friends or advocate involved to provide support?
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| * Is the participant’s support plan, including their communication supports, being reviewed?
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| * If appropriate, is the participant’s behaviour support plan being reviewed?
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| * Have the next steps been adequately communicated to the participant and family?
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| * If the police have advised the no information can be released, or no organisational investigation can proceed at this point, has this been communicated to the participant and family?
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| **Has the service provider or NDIS Commission assessed the police action?** |
| * Is the police approach consistent?
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| * If the police are not investigating, why not, and is this reasonable?
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| * Has the police approach, including the timing of interview, considered the participant’s needs?
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| * Should the police reconsider their decisions, and has this request been made?
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| **Have the broader implications of the allegation been considered?** |
| * Has the implicated staff member been separated from other staff and participants who may be witnesses or able to contribute evidence regarding the alleged assault or unexplained injuries?
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| * Did the alleged perpetrator work in other homes or services?
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| * Could the alleged perpetrator have assaulted other participants?
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| * Are there concerns about the staff culture at the service and how this may impact on participants?
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| * Has the participant been the alleged victim in a number of incidents?
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| * Has the alleged perpetrator been involved in other incidents?
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| * Has the impact of the incident on other participants of the service – whether they are witnesses or are experiencing trauma or distress – been considered and addressed?
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