

# Practice Guidance Sheet

## No. 1

### Preliminary Assessment of Incidents Involving Allegations of Staff to Client Assault or Unexplained Injuries

This practice advice is informed by the Disability Service Commissioner's experience in assessing complaints, reviewing staff to client assaults and unexplained injuries incident reports, and monitoring how responses to these incidents address the wellbeing, safety and rights of people with a disability.

This practice advice notes some key considerations for **preliminary assessment** following an allegation of staff to client assault or unexplained injuries; however it is not a comprehensive guide of the steps to be taken. It should be used in conjunction with DSC's *Investigations: guidance for good practice* resource paper.

Preliminary assessment must be **person-centred** and **rights based**. The **client's wellbeing and safety**, both **physical** and **psychological**, underpins the actions taken.

The preliminary assessment includes the **initial review of evidence** and **questioning of staff**. The preliminary assessment may establish persuasive, evidence-based reasons why an investigation should not be conducted. Or, a decision may be made to proceed to investigation, and the preliminary assessment will inform that investigation.

The preliminary assessment, like the investigation, focuses on whether the allegation regarding a staff member can be substantiated, whether the client's human rights have been abused, and on the trauma they have experienced. A preliminary assessment that is not thorough, or fails to secure sufficient evidence, may jeopardise the investigation.

#### Matters to consider when there has been an allegation of staff to client assault or unexplained injuries

Has the **immediate safety** and **wellbeing** of the client been addressed?

- Has the staff member been separated from the client?
- Has the client been reviewed by a forensic or other medical professional, or a centre against sexual assault?
- If appropriate or agreed by the client, has the client's family or advocate been notified?
- For all staff to client assaults and some unexplained injuries, have the police been notified and was this done in a timely manner?
- Was the incident report completed and submitted in a timely manner?
- If relevant, has the allegation been reported as unauthorised restraint on the Restrictive Intervention Data System (RIDS)?

What steps have been taken in the **preliminary assessment**?

- Has the allegation been received promptly?
- Has the allegation been clarified, where possible?
- Has the allegation been accurately documented?
- Has an initial risk assessment been undertaken?
- Have all relevant parties been questioned or consulted, including the person identified in the client's support plan as their representative, if appropriate?
- Has all physical or documentary evidence critical to a police or organisational investigation been preserved?
- Have photographs and a detailed description been taken of any injuries and stored in a secure place?

Has the preliminary assessment been informed by a **person-centred approach**? How has the client been included in the process?

- Has the client been asked about their experience and supported to tell their story?
- Have they been asked what they need to feel supported and safe?
- Have they had their experience acknowledged?
- Has their experience of trauma been acknowledged?
- Has the client's history, including any history with police that may further impact them, been acknowledged?
- Has the support plan been reviewed for any reference to related issues or supports?
- Who is able to speak for and make decisions on behalf of the client, if the client is unable to?
- What should be the involvement of family members or advocates?

How has the client been **supported**, both immediately and longer term?

- Has the client's physical and emotional and psychological wellbeing been considered?
- Is the service provider monitoring the client for changes to their behaviour or wellbeing?
- Has counselling been offered to the client? How has it been offered?
- Has a trusted key worker provided initial support and communicated appropriately about next steps?
- Has an independent third party been organised for the police interview?
- Has the client's circle of support been reviewed to ensure it includes at least one person who is external to the service provider?
- Is the service provider talking to the client's family, advocate or day service about how the client has been coping since the incident?
- Are the client's family, friends or advocate involved to provide support?
- Is the client's support plan, including their communication supports, being reviewed?
- If appropriate, is the client's behaviour support plan being reviewed?
- Have the next steps been adequately communicated to the client and family?
- If the police have advised that no information can be released, or no organisational investigation can proceed at this point, has this been communicated to the client and family?

Has the service provider or DHS assessed the **police** action?

- Is the police approach consistent?
- If the police are not investigating, why not, and is this reasonable?
- Has the police approach, including the timing of interview, considered the client's needs?
- Should the police reconsider their decisions, and has this request been made?

Have the **broader implications** of the allegation been considered?

- Has the implicated staff member been separated from other staff and clients who may be witnesses or able to contribute evidence regarding the alleged assault or unexplained injuries?
- Did the alleged perpetrator work in other homes or services?
- Could the alleged perpetrator have assaulted other clients?
- Are there concerns about the staff culture at the service and how this may impact on clients?
- Has the client been the alleged victim in a number of incidents?
- Has the alleged perpetrator been involved in other incidents?
- Has the impact of the incident on other clients of the service – whether they are witnesses or are experiencing trauma or distress – been considered and addressed?

This practice guidance sheet should be read in conjunction with the following DSC resources:

- *Investigations: guidance for good practice*
- *Information sheet: role of the Disability Services Commissioner in reviewing and monitoring incidents of alleged staff to client assault or unexplained injuries*
- Practice guidance sheet no. 2: investigating incidents involving allegations of staff to client assault or unexplained injuries.

**For more information please contact the  
Disability Services Commissioner at [www.odsc.vic.gov.au](http://www.odsc.vic.gov.au).**



An independent voice promoting  
rights and resolving complaints  
about disability services