

## Alleged Assaults and Incidents Involving Patients

**Policy Number** 5.011

**Policy Function** Safe Practice and Environment

**Issue Date** 22 August 2017

**Summary** This policy ensures patients allegedly assaulted are provided with a thorough assessment and appropriate treatment as required.

**Responsible Officer** Executive Director Clinical Operations

**Applicable Sites**

- Administration Centres
- Community Sites (e.g. Court Liaison Service, Community Integration Team, etc.)
- Health Centres (Adult Correctional Centres or Police Cells)
- Health Centres (Juvenile Justice Centres)
- Long Bay Hospital
- Forensic Hospital

**Previous Issue(s)** Policy 5.011 (Jun 2013; May 2009)

**Change Summary**

- Some wording changes i.e. incorporation of "alleged" throughout policy
- Addition of forms
- Inclusion of reference to WHS Coordinator for advice
- Changes to clarify Adolescent Health processes

**TRIM Reference** POLJH/5011

**Authorised by** Chief Executive, Justice Health & Forensic Mental Health Network

## 1. Preface

Justice Health & Forensic Mental Health Network (JH&FMHN) provides medical treatment for patients who have been injured following some form of violence. It is important that health staff provide immediate care to the patient, once deemed safe by Custodial/Juvenile Officers of the Correctional Centre (Corrective Services NSW (CSNSW)) or the private operators or Detention Centre (Juvenile Justice NSW (JJNSW)) including assessment, treatment and referral and appropriate clinical counselling if required.

Note the Statewide Community and Court Liaison Service (SCCLS) does not provide first aid and / or emergency first aid in the court cell complex. Medical emergencies are managed by CSNSW directly contacting the NSW Ambulance Service. The SCCLS accept that there will always be an exception or a circumstance where they would assist in an emergency if required and present.

For sexual assault management please refer to JH&FMHN policy [5.140 Sexual Assault Management](#).

This policy does not apply for assaults involving patients in the Forensic Hospital. For such cases, staff should refer to the following policies and procedures:

- JH&FMHN policy [5.017 Management of Emergencies Forensic Hospital](#)
- [Psychotropic Medications – Guidelines for Prescribing and Monitoring Use within Custodial and Forensic Mental Health Settings](#)
- JH&FMHN policy [1.319 Patient Observation – Forensic Hospital and Long Bay Hospital Mental Health Unit](#).

Documentation of the notification and management of the alleged assault must be completed appropriately and the nursing/medical assessment clearly documented in the patient's health record, using the SOAP format where appropriate. Documentation should be recorded and completed at the time of assessment.

In accordance with local policies and procedures and CSNSW/JJNSW/the private operators policies and procedures, Custodial/Juvenile Justice Officers of the Centre:

- Advise health staff of any incidents involving an alleged assault on a patient,
- Escort the patient to the health centre for assessment and necessary treatment if able and not an emergency response,
- Ensure nursing staff attend to patient with emergency response equipment if the assault is serious and patient cannot be moved,
- Contact the After Hours Nurse Manager (AHNM) if there is no nurse on duty and the patient requires medical treatment, and if necessary escort the patient to hospital by ambulance.

## 2. Policy Content

JH&FMHN staff must provide care to any person who alleges he/she has been assaulted. This includes assessment, treatment, referral and appropriate clinical counselling if required.

However, health service provision should only occur when it is safe to do so and there is no risk to staff safety at the time.

Assaults may occur in a range of scenarios in the custodial/detention environments, including:

- A patient on another patient

- A Custodial/Juvenile Justice Officer of the Centre on a patient
- A patient on a Custodial/Juvenile Justice Officer of the Centre
- A patient on a JH&FMHN employee (includes contracted service provider)
- A JH&FMHN employee (includes contracted service provider) on a patient
- A patient on a visitor
- A visitor on a patient.

All alleged assaults involving a Custodial Officer of the Correctional Centre on a patient reported to JH&FMHN staff must be reported to the Correctional Centre Governor or Officer In Charge after hours. Those allegations are investigated by police officers who are seconded to CSNSW. In the event that a criminal investigation does not proceed, the Police will refer the matter to the CSNSW Investigations Branch for consideration of any misconduct issues.

All alleged assaults involving a Juvenile Justice Officer are reported to the Department of Family and Community Services (FaCS) via the NSW Child Wellbeing Unit, the Centre Manager or delegate and then the NSW Police Force. This may be subsequently investigated by the JJNSW Professional Conduct Unit.

Allegations of misconduct including assaults by JH&FMHN staff or contracted service providers must be reported to the staff member's line manager and must be managed in accordance with JH&FMHN policy [3.020 Managing Misconduct](#). These allegations must also be reported to the JJNSW Centre Manager/ the Correctional Centre Governor or the Officer In Charge after hours by the most senior JH&FMHN staff member on site or AHNM, who is not personally involved in the allegation. All allegations of a serious nature including assault must be investigated and findings reported to the patient. If the alleged assault is found to be false, an appropriate response will also be formulated.

Where a serious or life threatening alleged assault has occurred, an ambulance must be called, and the Governor/JJNSW Centre Manager or their delegates, must be informed immediately.

JH&FMHN staff must inform their line manager and/or the After Hours Nurse Manager within a reasonable time of all alleged assaults. For serious assaults the JH&FMHN line manager should also contact the WHS Coordinator for further advice whether SafeWork NSW needs to be informed.

If warranted, the assigned investigators may request an interview with JH&FMHN staff. Any request for an interview by CSNSW/JJNSW/ the private operators or the NSW Police Force should, in the first instance be approved by a JH&FMHN senior manager and then coordinated through the Nursing Unit Manager. The JH&FMHN Governance Unit and the Legal Advisors can provide advice or support. All JH&FMHN staff members must be given the opportunity to contact their respective Union or other employment or legal advisor and have a support person present at the interview. The assigned investigators will conduct interviews at a time and location that is convenient for the JH&FMHN staff member.

Following an alleged assault/incident in an adult correctional centre, JH&FMHN staff must complete the [JUS200.080 JH&FMHN Alleged Assault/Incident Form](#). This form when signed by a patient authorises JH&FMHN staff to release information to custodial staff identifying that an alleged assault or incident has occurred and if treatment has been provided that consideration of custodial placement may be required. Where the patient refuses to sign, authority to disclose must be sought from the Network Director of Nursing and Midwifery Services or the Operational Nurse Manager.

Following an alleged assault/incident in a detention centre, JH&FMHN staff should document the incident/assault in the young person's health record only. Details of the incident/assault can be shared with JJNSW under provision set out in NSW Child Protection legislation [Children and Young Persons \(care and Protection\) Act 1998](#). JJNSW will inform the guardian/primary carer of any incidents/assaults that relate to young people under their care.

The location of some alleged assaults may have to be preserved as a crime scene. JH&FMHN staff must not clean an area or dispose of clothing or anything else that the Police may require as evidence. Without limiting the delivery of care to injured people, JH&FMHN staff must not unreasonably interfere with any crime scene or evidence in it. In these instances JH&FMHN staff should also contact the WHS Coordinator for further advice whether SafeWork NSW needs to be informed.

### 2.1 Mandatory Requirements:

- Patients must be provided with a thorough assessment and appropriate treatment as required.
- JH&FMHN staff must assess and identify the risk of further harm to others and/or harm to self.
- JH&FMHN staff must notify and complete clinical documentation for cases of alleged assault, fights or other forms of violence. Note: as assaults on patients (unless perpetrated by a JH&FMHN staff member) are outside the control of JH&FMHN; these incidents therefore do not need to be logged on the Incident Information Management System (IIMS), unless the alleged assault occurs within the health centre.
- All alleged assaults involving JH&FMHN staff must be reported to the line manager. For serious assaults the JH&FMHN line manager must also contact the WHS Coordinator for further advice whether SafeWork NSW needs to be informed.
- [JUS050.115 Daily Update – Patient in Hospital form](#) must be faxed to the AHNM on 9700 3736 for all patients requiring transport to a hospital/or an external health facility.

## 3. Procedure Content

### 3.1 Patient Authority to Release Information

Consent should be obtained from the patient to release information regarding his/her medical treatment to Custodial Officers of the Correctional Centre by signature in the authority section of [JUS200.080 Alleged Assault/Incident Form](#).

Where it is not possible to gain consent please refer to the [NSW Health Privacy Manual for Health Information](#) paragraph 11.3.3 'Access to health records of correctional centre inmates' states that "JH&FMHN can share information with CSNSW as detailed in '[Guidelines on the use and disclosure of inmate/patient medical records and other health information](#)'. The staff of JH&FMHN may disclose information relating to the medical history of an inmate to CSNSW/JJNSW/the private operators, or other correctional/detention facilities, to investigate an incident or assault involving that inmate/patient". Requests should be in writing indicating the basis for disclosure and advise/permission sought from the JH&FMHN Governance Unit or legal representatives prior to releasing information.

Details of health service provision and plans for ongoing multidisciplinary team should involve senior CSNSW/JJNSW/the private operators and the Nursing Unit Manager as well as other clinicians if appropriate and must be clearly documented in the patient's health record.

## 4. Definitions

### Must

Indicates a mandatory action to be complied with.

### Should

Indicates a recommended action to be complied with unless there are sound reasons for taking a different course of action.

### SOAP

JH&FMHN staff must follow SOAP (Subjective, Objective, Assessment and Plan) principles when completing clinical documentation.

## 5. Legislation and Related Documents

Legislation	<a href="#">Crimes (Administration of Sentences) Regulation 2014</a> <a href="#">Children and Young Persons (Care and Protection) Act 1998</a> <a href="#">Work Health and Safety Act 2011</a>
JH&FMHN Policies and Procedures	<a href="#">1.319 Patient Observation – Forensic Hospital &amp; Long Bay Hospital Mental Health Unit</a> <a href="#">3.020 Managing Misconduct</a> <a href="#">5.017 Management of Emergencies Forensic Hospital</a> <a href="#">5.040 First Aid</a> <a href="#">5.110 Work Health and Safety</a> <a href="#">5.140 Sexual Assault Management</a> <a href="#">Psychotropic Medications – Guidelines for Prescribing and Monitoring Use within Custodial and Forensic Mental Health Settings</a> <a href="#">Guidelines on the use and disclosure of inmate/patient medical records and other health information</a>
JH&FMHN Forms	<a href="#">JUS200.080 JH&amp;FMHN Alleged Assault/Incident</a> <a href="#">JUS050.115 JH&amp;FMHN Daily Update Patient in Hospital</a>
NSW Ministry of Health Policy Directives, and Guidelines	<a href="#">Privacy Manual for Health Information</a>