Justice Health and
Forensic Mental Health Network

Justice Health NSW Policy

Alleged Assaults and Incidents Involving Patients

Issue Date: 04 May 2023

Together for Healthier Tomorrows

Alleged Assaults and Incidents Involving Patients

Policy Number 5.011

Policy Function Safe Practice and Environment

Issue Date 04 May 2023

Next Review Date 04 May 2026

Risk Rating High

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

Responsible Officer General Manager, Primary Care

Applies to
☐ Administration Centres
☒ Community Sites and programs
☒ Health Centres - Adult Correctional Centres or Police Cells
☒ Health Centres - Youth Justice Centres
☒ Long Bay Hospital
☐ Forensic Hospital

CM Reference POLJH/5011

Change summary
- Some wording changes
- Alleged Assault from signature authority changed to Nursing Unit Manager

Authorised by Chair, Policy Steering Committee

Revision History

#	Issue Date	Number and Name	Change Summary
7	May 2023	5.011 Alleged Assaults and Incidents Involving Patients	• Some wording changes • Alleged Assault from signature authority changed to Nursing Unit Manager
6	August 2017	5.011 Alleged Assaults and Incidents Involving Patients	• Some working 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

5	June 2013	5.011 Assults Involving Patients	• Logo update • Name change
4	May 2009	5.011 Assaults Involving Patients	• Minor text edits • Removal of reference to child abuse as there is a separate policy • Inclusion of appropriate DJJ guidelines
3	December 2005	5.011 Assaults Involving Patients	• Title change • Reference to new Justice Health Incident/Assault form • Content clarification
2	June 2005	5.011 Assaults Involving Inmates – advice to Dept of Corrective Services	• Title change
1	September 2000	5.011 Assaults Involving Inmates	• New policy

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Printed copies of this document, or parts thereof, must not be relied on as a current reference document.

Always refer to the electronic copy for the latest version.

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1. Preface

Justice Health Forensic Mental Health Network (Justice Health NSW) 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, and only when deemed safe by Custodial/Youth Officers of the Correctional Centre (Corrective Services NSW (CSNSW)) or the private operators or Detention Centre (Youth Justice NSW (YJNSW)) including assessment, treatment and referral and appropriate clinical counselling if required.

Note: The State-wide 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 Justice Health NSW 9.038 *Sexual Assault Management Procedure*.

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

- Justice Health NSW policy 5.017 *Management of Emergencies - Forensic Hospital*
- Psychotropic Medications – 6.051 *Guidelines for Psychotropic Medications* and 1.319 *Patient Engagement and Observation - Forensic Hospital and Long Bay Hospital Mental Health Unit*. Documentation of the notification and management of the alleged assault and the nursing/medical assessment is to be clearly documented in the patient's electronic health record (JHeHS), 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/YJNSW/the private operator's policies and procedures, Custodial/Youth Justice Officers of the Centre are to:

- Where health staff are not on site and in the event of an emergency, call 000,
- 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

Justice Health NSW 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/Youth Justice Officer of the Centre on a patient.
- A patient on a Custodial/Youth Justice Officer of the Centre.
- A patient on a Justice Health NSW employee (includes contracted service provider).
- A JHFMHN 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 in a correctional centre on a patient, which is reported to Justice Health NSW 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 Youth Justice Officer on a young person are reported to the Department of Family and Community Services via the NSW Child Wellbeing Unit, the Centre Manager or delegate and then the NSW Police Force. This may be subsequently investigated by the YJNSW Professional Conduct Unit.

Allegations of misconduct including assaults by Justice Health NSW staff or contracted service providers must be reported to the staff member's line manager/AHNM and must be managed in accordance with Ministry of Health Policy Directive PD2025_021 *Managing Misconduct, Serious Performance and Child Related Concerns*. These allegations must also be reported to the YJNSW Centre Manager/ the Correctional Centre Governor or the Officer In Charge after hours by the most senior Justice Health NSW 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/YJNSW Centre Manager or their delegates, must be informed immediately.

Justice Health NSW staff must inform their line manager and/or the AHNM within a reasonable time of all alleged assaults. For serious assaults the Justice Health NSW line manager should also contact the Work Health and Safety (WHS) Coordinator for further advice whether SafeWork, NSW needs to be informed.

If warranted, the assigned investigators may request an interview with Justice Health NSW staff. Any request for an interview by CSNSW/YJNSW/ the private operators or the NSW Police Force should, in the first instance be approved by a Justice Health NSW senior manager / Legal Officer and then coordinated through the Nursing Unit Manager. The Justice Health NSW Clinical and Corporate Governance Unit and the Legal Advisors will provide advice and/or support. All Justice Health NSW 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 Justice Health NSW staff member.

Following an alleged assault/incident of a patient in an adult correctional centre, Justice Health NSW staff must complete the JUS200.080 *Alleged Assault/Incident Form*. This form when signed

by a patient authorises JHFMHN 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 centres Nursing Unit Manager.

Following an alleged assault/incident of a young person in a detention centre, Justice Health NSW staff must document the incident/assault in the young person's health record only. Details of the incident/assault can be shared with YJNSW under provision set out in NSW Child Protection legislation *Children and Young Persons (Care and Protection) Act 1998*. YJNSW 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. Justice Health NSW 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, Justice Health NSW staff must not unreasonably interfere with any crime scene or evidence in it. In these instances, Justice Health NSW 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. This is only to occur once the area has been deemed safe by CSNSW/YJNSW for nursing staff.
- Justice Health NSW staff must assess and identify the risk of further harm to others and/or harm to self.
- Justice Health NSW staff must notify and complete clinical documentation for cases of alleged assault, abuse, fights or other forms of violence. Note: as assaults on patients (unless perpetrated by a Justice Health NSW staff member) are outside the control of JHFMHN; these incidents therefore do not need to be logged on the Incident Management System (ims+), unless the alleged assault occurs within the health centre.
- All alleged assaults involving Justice Health NSW staff must be reported to the line manager. For serious assaults, the Justice Health NSW line manager must also contact the WHS Coordinator for further advice whether SafeWork NSW needs to be informed.
- *Daily Update – Patient in Hospital* form must be completed in JHeHS with an email sent to AHNM 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 their 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 'Disclosing health information of custodial patients' states that "Justice Health NSW staff may disclose relevant information on the medical history or status of a custodial patient to Corrective Services NSW/Youth Justice NSW to investigate an incident or assault involving that patient where the law enforcement exemption applies (see Section 11.2.8). Requests should be in writing indicating the basis for disclosure. Consent from the patient must be obtained, unless other lawful disclosure

applies (for example, risk of harm, see Section 11.2.3, or law enforcement, see Section 11.2.8)."

Requests should be in writing indicating the basis for disclosure and advise/permission sought from the Justice Health NSW Governance Unit, Health Information and Records Service (HIRS) or legal representatives prior to releasing information.

Details of health service provision and plans for ongoing multidisciplinary team should involve senior CSNSW/YJNSW/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

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

5. Related Documents

Legislations	*Crimes (Administration of Sentences) Regulation 2014* *Children and Young Persons (Care and Protection) Act 1998* *Work Health and Safety Act 2011*
Justice Health NSW Policies, Guidelines and Procedures	1.319 *Patient Engagement and Observation - Forensic Hospital and Long Bay Hospital Mental Health Unit* 5.017 *Management of Emergencies – Forensic Hospital* 5.110 *Work Health and Safety* 6.051 *Guidelines for Psychotropic Medications* 9.038 *Sexual Assault Management Procedure* 9.047 *Requesting and Disclosing Health Information* 9.042 *First Aid*
Justice Health NSW Forms	JUS200.080 *Alleged Assault/Incident Form* *JHFMHN Daily Update Patient in Hospital found in JHeHS*
NSW Health Policy Directives and Guidelines	PD2025_021 *Managing Misconduct, Serious Performance and Child Related Concerns*

	PD2020_047 *Incident Management* PD2023_023 *Identifying and responding to abuse of older people* *NSW Health Privacy Manual for Health Information* *NSW Ageing and Disability Commission*
Other documents and resources	Nil