Managing Critical Client Incidents Policy

Summary:
This policy is in place to ensure that critical incidents affecting clients of the Department for Communities and Social Inclusion (the Department) are effectively and consistently identified, reported, responded to, managed and monitored.

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1 Purpose

This policy aims to:

- Support the safety and wellbeing of clients
- Ensure that critical incidents affecting clients of the Department for Communities and Social Inclusion (the Department) are effectively and consistently identified, reported, responded to, managed and monitored
- Ensure a systematic approach to critical client incidents
- Enhance the ability to improve services as a result of incidents that occur
- Enhance transparency and accountability in the delivery of services, especially to people who are vulnerable and at risk.

2 Context

The Department delivers and funds programs and services to children, young people and adults in a range of settings. The vulnerability of many of these clients, and the nature of the services provided, heightens the responsibilities and duty of care associated with service delivery.

Government and the community expect a high degree of accountability in the delivery of services, particularly to those who are vulnerable due to age, disability or life circumstances. In recent years there have been a number of enquiries and reports focusing on safeguarding vulnerable people and the reporting and management of critical incidents. There are clear expectations, by government and the community, that clients are protected, and critical incidents are consistently and properly identified, reported, responded to, managed and monitored.

This policy provides greater detail on the principles underpinning critical client incident management, definitions, incident response, and management and reporting requirements.

Guidelines to support this policy must be established in each Departmental division that provides or funds direct client services, taking into account the nature of service provided, the client group, staffing structures and legislative requirements. To assist with this a ‘Managing Critical Client Incidents Guideline template’ has been developed.

In addition, each division must ensure that there are appropriate clauses in all service level agreements with organisations that provide services on behalf of the Department.

The Department routinely manages a range of client incidents, supported by relevant systems, policies and procedures at both departmental and divisional level. This policy contains specific provisions relating to client incidents which are deemed to be critical; all existing and future operational documents across the Department in relation to client incident management must be consistent with this policy.
However, this policy does not replace or negate other incident management protocols, procedures or reporting requirements. These reporting requirements may include, but are not limited to:

- Immediately reporting to the Office for Public Integrity any potential issues of corruption, misconduct and maladministration as required under the *Independent Commissioner Against Corruption Act, 2012*
- Reporting an alleged offence to SAPOL
- Reporting suspected abuse or neglect of a child to the Child Abuse Report Line (CARL)
- Reporting relevant incidents to the Departmental Investigations team, Incident Management Unit
- Notification to the Guardian for Children and Young People of child sexual abuse allegations involving a child or young person under custody or guardianship of the Minister
- Reporting all coronial matters consistent with legislation and the Departmental Coronial Policy
- Reporting to the Health and Community Services Complaints Commissioner
- Reporting notifiable work-related injuries, fatalities or a dangerous occurrence to SafeWork SA
- Sharing information in accordance with the Information Sharing Guidelines (ISG) for Promoting Safety and Wellbeing.

3 **Scope**

**Included:**

This policy applies to all Departmental divisions that are involved in any way with the provision of direct client services or that are registered or funded organisations to provide services on behalf of the department.

**Excluded:**

Critical incidents that only involve workers are not included under this policy (e.g., the death or serious injury of a worker in the performance of their duties where a client has not been involved). Serious incidents involving workers are dealt with in accordance with the Work Health and Safety legislation and appropriate reporting to key stakeholders. Client incidents that are not assessed as critical do not fall within the scope of this policy and must be managed according to standard Divisional incident management policies and procedures as relevant.

4 **Risk**

By not adhering to the consistent, timely and effective management of critical client incidents, the Department risks causing or compounding harm to clients and/or workers, litigation, loss of reputation and community confidence, financial loss and consumer dissatisfaction.
5 Reference Documents

5.1 Directive Documents
- Independent Commissioner Against Corruption Act 2012
- Independent Commissioner Against Corruption, South Australia (ICAC) – Directions and Guidelines for Inquiry Agencies, Public Authorities and Public Officers
- Aged Care Act 1997 (Cwlth)
- Cabinet Administrative Instruction 1/89 (Information Privacy Principles)
- Children’s Protection Act 1993
- Coroner’s Act 2003
- Criminal Law Consolidation Act 1935
- Disability Services (Rights, Protection and Inclusion) Amendment Act 2013
- Guardianship and Administration Act 1993
- Health and Community Services Complaints Act 2004 and Charter
- Information Sharing Guidelines for Promoting Safety and Wellbeing
- Public Sector Act 2009
- State Records Act 1997
- Young Offenders Act 1993
- Youth Justice Administration Act 2016
- Youth Justice Administration Regulations 2016

5.2 Supporting Documents
- Managing Critical Client Incidents Guideline (to be developed and maintained by each Division)

5.3 Related Documents and Resources
- Australian Service Excellence Standards
- Commissioner for Public Sector Employment Guideline: Management of Unsatisfactory Performance (including misconduct)
Managing Critical Client Incidents Policy

- DCSI Communications Policy
- DCSI Coronial Policy, Guidelines and Mandatory Procedures
- DCSI Disclosure Policy, Assessment Guideline and Action Plan
- South Australian Family Safety Framework
- DCSI Riskman Incident and Feedback Entry Management Guide
- DCSI Records Management Policy

Disability Services, NDIS and Service Reform and Disability SA
- Management of Care Concerns Procedure
- Missing Persons Procedure
- Reporting of Incidents to SAPOL Guideline
- Responding to Child Protection Concerns within Child and Youth Services Work Instruction
- Responding to Risk of Suicide and Self-Harm Guideline
- Responding to Threats and Incidents of Harm within Child and Youth Services Work Instruction
- Risk Process Manual
- Safeguarding People with Disability Overarching Policy
- Safeguarding People with Disability Management of Care Concerns Policy
- Safeguarding People with Disability Restrictive Practices Policy
- Safeguarding People with Disability Supported Decision-Making and Consent Policy
- Memorandum of Administrative Arrangement between Disability SA, Disability Services and South Australia Police regarding Working in Cooperation to Promote a Safe and Coordinated System of Support

Domiciliary Care
- Client Incident Investigation and Reporting Procedure
- Guidelines for Specific Roles in Responding to Abuse
- Responding to Abuse of Older People Procedure
- Review and Analysis of Client Incidents Procedure

Housing SA
- Aboriginal Communities Mandatory Notification Policy
- Mandatory Notification Guidelines
- Privacy Policy
- Privacy Guidelines
Youth Justice

- C3MS Guide – Incidents
- Incident Reporting Operational Order
- Preservation of Evidence and Crime Scenes Operational Order
- Use of CCTV Operational Order
- Video Recording of Incidents Operational Order

Investigations team, Incident Management Unit

- Guidelines for Management of Care Concerns
- Interagency Code of Practice: Investigation of Suspected Child Abuse or Neglect

6 Definitions and Terminology

Client: A person who receives, relies on, or benefits from, services delivered by the Department or its service providers. Interchangeable terms used are consumer and customer. Some areas utilise specific descriptions for clients depending on the service setting (eg resident or tenant).

Critical Client Incident: A critical client incident is an event (or alleged event) that occurs as a result of, or during the delivery of services directly provided by DCSI or a service provider, and has caused or is likely to cause significant negative impact to the health, safety or wellbeing of a client or service recipient. Critical client incidents will usually require a crisis response, incident management, coordination and consideration of a range of risks and sensitivities. Critical client incidents may include (but are not necessarily limited to):

- The unexpected death, serious injury or alleged assault (including physical, sexual abuse, sexual assault and indecent assault) of a client, that occurs as a result, or during the delivery, of services
- Allegations of serious unlawful or criminal activity or conduct involving an employee, a subcontractor or volunteer that has caused, or has the potential to cause, serious harm to clients
- An incident where a client assaults or causes serious harm to others (including employees, volunteers or contractors), as a result, or during the delivery, of services
- A serious fire, natural disaster, accident or other incident that will, or is likely to prevent, service provision, or that results in closure or significant damage to premises or property, or that poses a significant threat to the health and safety of clients.

The assessment of whether an incident should be treated as a critical client incident should take into account the following:

- Whether the death, serious injury or harm has an obvious and direct correlation to the services the person was receiving
Whether the standard of services provided may have been, or may be perceived to have been, a contributing factor

The extent of harm that resulted, or may result

The likelihood that others may be affected

If the death, serious injury or harm is due to unusual circumstances

The duty of care that may be expected of the department and/or the service provider in relation to the incident.

The Director Incident Management is responsible for determining if a specific incident is to be classified as a critical client incident.

Critical Client Incident Manager: A departmental officer, generally at the Director level, appointed by the Director Incident Management, and responsible for managing the incident until its conclusion. The Critical Client Incident Manager (or their delegate) will also be the lead point of contact in relation to the incident.

Coronial Matters: Include but are not limited to reportable deaths; deaths in custody; deaths of clients, former clients and workers; deaths of people particularly vulnerable at the time of death (eg transient Aboriginal and Torres Strait Islander people; a person experiencing domestic violence or other form of abuse); and disappearances, fires and accidents.

Disclosure: Providing information about a critical client incident to others not directly involved in the incident, but who may be affected, either directly or indirectly (eg family members of the affected client, other clients who may have been harmed and/or their families). Note that meeting reporting requirements (eg mandatory notification, reporting to SAPOL) does not constitute disclosure. Disclosure decisions must take into account the potential for others to have been affected or harmed, the potential for others still to be at risk of harm or require assistance to alleviate the effects of harm; and risks in disclosing or not disclosing information. They must also take into account what information will be provided, to whom, for what purpose and with what justification, in what format and appropriate approval mechanisms, and will be made in accordance with the ISG and the DCSI Disclosure Policy.

Division: Is inclusive of the entire area within the Department that reports to an Executive Director (eg Housing SA) and the Youth Justice Division.

Service provider: refers to an agency or person (includes Local Government) registered on the Disability Services Provider Panel (DSPP) or funded by DCSI to provide services to a client and/or their family. This may include DSPP providers, who are registered to deliver services under the National Disability Insurance Agency (NDIA).

Worker: as per the Work Health and Safety Act 2012, a worker includes anyone who works for DCSI as an employee, employee of a labour hire company placed with DCSI, contractor, sub-contractor, trainee, work experience student or volunteer. A worker includes anyone employed or those engaged in a voluntary capacity by the Department’s service providers.
7 Detail

7.1 Guiding Principles

The following principles must guide the management of all critical client incidents:

- **Commitment to clients**
  DCSI is committed to providing safe, high quality and person-centred services.

- **Responsive and coordinated**
  Critical client incidents will be responded to and managed in a timely, consistent, responsive, coordinated and effective manner.

- **Privacy, reporting and disclosure**
  Personal information will be collected, managed, used and disclosed in accordance with relevant policy and legislation, and in a manner that is respectful to the individuals involved. Personal information, particularly sensitive information, is reported and disclosed on a strictly ‘needs to know’ basis, with systems and processes that support the privacy and security of information and respect for affected individuals.

7.2 Quality Improvements

Information generated regarding, and the experience of, critical client incidents, is used to identify and address risks and improve services.

7.3 Governance and Roles

7.3.1 High-level Process

The following outlines the high-level process that must be followed in relation to all (apparent) critical client incidents:

1. **Immediate Response – Safety**: The safety of clients, workers and others is of the highest priority. Following any client incident, workers must respond immediately and appropriately to ensure the safety and wellbeing of client(s) and/or others. This may involve calling for an ambulance or administering first aid.

2. **Report – SAPOL**: If the incident may constitute a criminal offence or if police attendance is necessary to ensure the safety of those involved in the incident or restore order, the incident must immediately be reported to the South Australia Police (SAPOL). In the event of such reporting, workers must seek to preserve physical evidence (eg medical or scene examination, seizure of clothing).
3. **Report – Service Providers:** If a critical client incident is reported by a service provider to a departmental worker, the worker must respond immediately to ensure the service provider has:
   - Provided for the safety of clients, workers and others involved in the incident
   - Reported the incident to SAPOL, if the incident constituted a criminal offence or if SAPOL attendance is necessary to ensure the safety of those involved in the incident, to restore order or preserve evidence
   - Advised the client’s family member(s) and/or guardian(s) of the incident.

4. **Notifying:** DCSI workers must immediately advise their line manager and/or Director, of an apparent critical client incident either in person or by phone who must then contact the Director, Incident Management and relevant Executive Director.

5. **Assessment:** The Director Incident Management will assess and determine if the incident is to be classified as a critical client incident.

6. **Critical Client Incident Manager:** If it is deemed that an incident is critical, the Director Incident Management will appoint a Critical Client Incident Manager following consultation with the relevant Executive Director.

7. **Initial Email Reporting:** If an incident is deemed a critical client incident, the Director Incident Management must initially report the incident by email to the following:
   - Chief Executive
   - Deputy Chief Executive (if a disability incident)
   - Relevant Minister’s Chief of Staff
   - Minister for Disabilities’ Ministerial Advisor and Ministerial Liaison Officer (if a disability incident)
   - Incident Management Unit via the [DCSI.CriticalClientIncidents@sa.gov.au](mailto:DCSI.CriticalClientIncidents@sa.gov.au) mailbox with a cc to the relevant Executive Director.

8. **Reporting:** Those involved in, or aware of, the incident must adhere to any mandatory/legislative reporting requirements within the appropriate timeframes and any other divisional/departmental guidelines and procedures for incident management.
9. **Ministerial Briefing:** Within **five business days** of the initial email report of the critical client incident, the Critical Client Incident Manager must provide a written briefing to the Minister. The Critical Client Incident Ministerial briefing template must be used and the briefing signed off by the responsible Executive Director and Deputy Chief Executive (if a disability incident), Director Incident Management, Executive Director Corporate Services and the Chief Executive.

10. **Disclosure:** A Disclosure Assessment should be undertaken by the Director Incident Management in accordance with the Department’s Disclosure Policy. In the interim, decisions about disclosure should be made in accordance with the ISG. Detailed information relating to the disclosure assessment process or ISG procedures can be found in the Critical Client Incident Guideline, Disclosure Policy and the DCSI ISG Appendix.

11. **Critical Client Incident Management:** Critical client incidents will receive high level and high quality incident management, including regular update reports provided to the Director Incident Management, relevant Executive Director and Deputy Chief Executive (if a disability incident), Chief Executive and Minister.

12. **Closure/Downgrading:** At the discretion of the Director Incident Management, an incident may be closed as a critical client incident through the recommendation of the Critical Client Incident Manager (eg when the initial crisis is passed and the situation has stabilised sufficiently to be managed with existing processes and procedures).

13. **Review:** The division will review the information gathered as a result of the critical client incident with the aim of improving service quality and minimising risks. The Executive Leadership Team (ELT) will review information gathered across all critical incidents with the aim of improving service quality and minimising risks.

### 7.3.2 Responsibilities

**The Chief Executive is responsible for:**

- Pursuing a culture of learning and innovation to deliver optimum services and continual quality improvement to reduce and prevent critical client incidents.
- Ensuring a culture where critical client incidents are dealt with seriously and thoroughly.
- Ensuring effective critical client incident processes and incident reporting and management strategies are in place across the Department.
Ensuring that appropriate actions are implemented in response to critical client incidents, including implementation of identified service improvements

Regularly reviewing and monitoring each open critical client incident.

**Executive Director, Corporate Services is responsible for:**

- Ensuring that critical incidents affecting clients of the DCSI are effectively and consistently identified, reported, responded to, managed and monitored
- Ensure a systematic approach to critical client incidents
- Liaising with the Director, Incident Management in determining if the incident is to be classified as a critical client incident

**The Director Incident Management is responsible for:**

- Providing advice and support to the Chief Executive on matters relating to this policy.
- Determining if an incident is critical.
- Ensuring all critical incidents that also meet the criteria of a reportable death are reported to DCSI Coronial Officer in accordance with the DCSI Coronial Policy.
- Ensuring that the Incident Management Unit and the DCSI Coronial Officer work collaboratively to monitor all critical incidents that also meet the criteria of a reportable death.
- Appointing a Critical Client Incident Manager in consultation with the relevant Executive Director.
- Determining when a critical client incident can be closed.
- Ensuring a Disclosure assessment is undertaken in line with the DCSI Disclosure Policy and the ISG and ensuring appropriate disclosure actions are undertaken.
- Reviewing all critical client incident reports, with a view to making any further recommendations for follow up and developing and implementing improvement strategies.
- Maintaining a central register of all critical client incidents.
- Providing advice, information and training in relation to the policy and management of critical incidents.
- Coordinating the preparation of summary reports for the Chief Executive, ELT and Ministers.
- Review and ongoing development of the Policy and Guidelines and associated systems.
- Appropriate recording of critical client incident reports and ongoing assessment of compliance with this policy.
- Ensuring a coordinated approach to identifying, managing, monitoring and reporting all critical client incidents across the
department, and monitoring and reporting on critical client incidents from service providers.

- The Incident Management Unit is responsible for the coordination and preparation of weekly update reports for the Chief Executive and Minister on open critical client incidents.

- Ensuring records created and received in the course of responding to a critical client incident are managed in accordance with the *State Records Act 1997*.

**Executive Directors are responsible for:**

- Ensuring their divisions manage critical client incidents in line with this policy and the associated divisional guidelines, including the development, management and review of complementary divisional procedures.

- Provide advice to the Director Incident Management on the appointment of a Critical Client Incident Manager.

- Ensuring potential critical client incidents are reported to the Director Incident Management for assessment.

- Reviewing all critical client incident reports, with a view to making any further recommendations for follow up and developing and implementing improvement strategies.

- Ensuring that all service providers involved in direct services to clients have appropriate clauses in service level agreements outlining responsibilities for reporting incidents, particularly critical client incidents to DCSI.

**Critical Client Incident Managers are responsible for:**

- Overseeing the management of the incident to conclusion and providing a single point of contact and coordination.

- Ensuring all external reporting requirements are met and all relevant areas of the Department are notified.

- Ensuring that clients and workers involved in the incident have been offered assistance and support as required.

- Implement approved disclosure Action Plan recommendations by providing information to victims, families, guardians etc, consistent with the Disclosure Policy as determined necessary by the Director Incident Management.

- Submitting a weekly status update on current incidents to the Director Incident Management via the DCSI.CriticalClientIncidents@sa.gov.au mailbox.

- Providing a briefing outlining the details of the incident and any relevant background to the Minister within five business days of the initial notification.

- Ensuring cross-departmental, cross-agency and inter-sectoral coordination.
Managing Critical Client Incidents Policy

- Monitoring the progress of any resultant investigations or proceedings.
- Ensuring high quality records are kept on all aspects of the incident.
- Identifying risks and opportunities that can support service improvements.
- Making recommendations to the Director Incident Management as to when a critical client incident can be closed.

**Directors, Managers and Supervisors are responsible for:**

- Reporting critical client incidents consistent with the Critical Client Incident Policy and Guideline.
- Ensuring workers understand and comply with the Critical Client Incident Policy and Guidelines and any complementary divisional procedures.
- Supporting the Critical Client Incident Manager and undertaking tasks or providing information as requested.
- Reporting to and liaising with the Incident Management Unit and external investigative authorities.
- Providing clarification, guidance, advice and support to service providers regarding the coordination, management and reporting of critical client incidents.

**Workers are responsible for:**

- Raising awareness and complying with the Policy and Guidelines and any complementary divisional procedures.
- Reporting apparent critical client incidents to their line manager and Director.
- Recording and securing all details related to the critical client incident as soon as practicable, including in RiskMan (or C3MS for Youth Justice).

8 **Aboriginal Impact Statement Declaration**

The needs and interests of Aboriginal people have been considered in the development of this policy. It has been assessed that there is no impact specific to Aboriginal people or an impact that could disproportionately affect Aboriginal people.
## Approval

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