

Australian Capital Territory

Corrections Management (Incident Reporting, Notifications and Debriefs) Policy 2018

Notifiable instrument NI2018-338

made under the

Corrections Management Act 2007, s14 (Corrections policies and operating procedures)

1 Name of instrument

This instrument is the *Corrections Management (Incident Reporting, Notifications and Debriefs) Policy 2018*.

2 Commencement

This instrument commences on 29 June 2018.

3 Policy

I make this policy to facilitate the effective and efficient management of correctional services.

4. Revocation

This instrument revokes the *Corrections Management (Incident Reporting) Policy 2014* [NI2014-538], *Corrections Management (Critical Incident Stress Debrief) Policy 2011* [NI2011-120] and *Corrections Management (Next of Kin) Policy 2012* [NI2012-206].

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27 June 2018

INCIDENT REPORTING, NOTIFICATIONS AND DEBRIEFS

POLICY NO. A2

ACT CORRECTIVE SERVICES



ACT
Government

Justice and Community Safety

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1 PURPOSE

This policy establishes clear guidelines and obligations for the reporting of incidents and associated notifications. It is imperative that incidents are reported transparently, to the appropriate authority and in a timely manner to ensure that confidence is maintained in ACT Corrective Services (ACTCS).

This policy also establishes clear requirements with regard to post incident management including appropriate notification to next of kin and debrief processes.

2 SCOPE

This policy applies to ACTCS staff within correctional centres and community corrections and all contracted service providers working within an ACT correctional centre.

Operational Business Unit Heads will establish documented procedures to ensure their respective business unit meets and adheres to this policy.

3 DEFINITIONS

Notifiable Incidents

A notifiable incident is an actual or alleged event where:

- The safety of the community is jeopardised
- Staff or clients are at or under significant risk
- Serious injury or a death of any person has occurred on ACTCS property
- A serious security breach occurs
- Any incident that may generate significant public or media scrutiny.

Notifiable Incidents must always result in the Executive Director being notified within 60 minutes of the conclusion of the incident.

Incident

An incident is an event that may cause a threat to the personal safety of staff, clients or others and/or presents a threat to the security of a correctional centre or other ACTCS property.

Appropriate Manager

Officer in Charge (OIC), Team Leader or above.

4 IMMEDIATE NOTIFICATION OF ALL INCIDENTS

- 4.1 All incidents should be brought to the immediate attention of the respective appropriate manager for their consideration:
- Custodial Operations – Duty Manager
 - Community Corrections – Senior Manager, Community Corrections Operations
 - Corporate Services and Executive – Senior Manager, Executive Support and Governance.

5 MINIMUM INCIDENT REPORTING REQUIREMENTS

- 5.1 Incident reports are essential to the continued effective functioning of ACTCS. An incident report is required to be submitted following any event that has occurred that may have:
- Jeopardised the safety of an member of the ACT Community
 - Jeopardised the safety of staff, offenders or others in our workplace
 - Jeopardised the good order and security of a custodial facility
 - Affected the normal or routine operation of a custodial facility
 - Resulted in a disciplinary charge.
- 5.2 Following an incident, an incident report should be completed by all staff (including ACTCS employees and others) who were involved in, or who witnessed the incident. All reports should be clear, concise, factual and should be completed as soon as practicably possible once the incident is concluded, and in all instances, other than where a staff member is required to leave the premises urgently, prior to the end of the day's duty period.
- 5.3 The standard Incident Report (Appendix B) is self-explanatory and should be completed in full, when writing a brief summary of the incident it is good practice to use the 5WH approach, as follows:
- When – the date and time of the incident
 - Where – the location of the incident
 - Who – who was involved and who was present, including the author's name, role and involvement in the incident. This should include all known witnesses.
 - What – what occurred in sequence
 - Why – If known, the trigger for the event
 - How – how was the incident resolved or controlled.

- 5.4 Incident reports are to be reviewed by an appropriate manager by no later than the close of business on the next working day ensuring that all required reports have been completed and that any immediate issues of concern have been addressed.
- 5.5 The reviewing manager should then complete an Incident Summary (Appendix C) and submit this with all associated reports to ACTCSoperationalcompliance@act.gov.au. Use of Force reporting should be completed as mandated in the relevant Use of Force instruments.

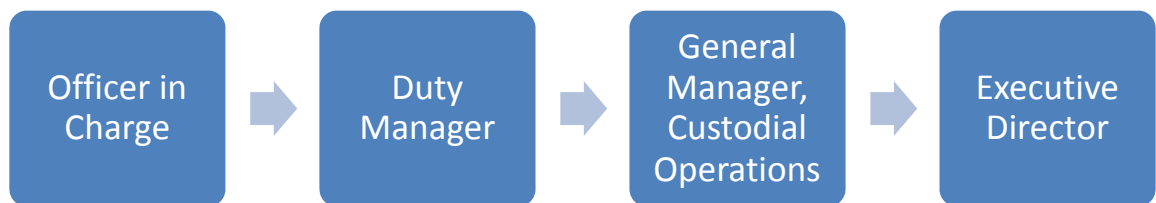
6 NOTIFIABLE INCIDENTS

Notifiable incidents are defined at Appendix A.

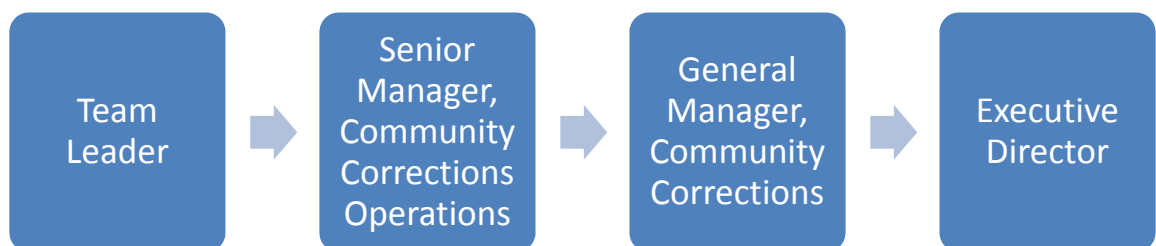
Verbal Notifications

- 6.1 The following flow charts are to apply for the notification of all notifiable incidents through the chain of command, where contact cannot be made immediately on the first attempt the notification should be escalated to the next level without delay.

Custodial Operations



Community



Corporate



Written Notifications

- 6.2 In the event of a notifiable incident, the initiating officer will email a brief factual outline of the incident to the ACTCSincident@act.gov.au within 60 minutes of the conclusion of the incident, or in the event of an ongoing situation as soon as is practicable.
- 6.3 The email should be earmarked as urgent with the words 'Early Incident Notification' in the subject box.
- 6.4 The reporting requirements outlined above in section 5 should then be followed.
- 6.5 ACTCS Operational Compliance Unit will maintain a register of all notifiable incidents and post incident actions including debriefs.

External Notifications

ACT Policing

- 6.6 In the event of an assault or incident requiring ACT Policing attendance, it is the responsibility of the OIC (AMC) or Team Leader to ensure that this is done as early as possible including notification to the ACTCS Intelligence and Integrity Unit. A register of all referrals to ACT Policing must be maintained by ACTCS Intelligence and Integrity Unit including outcome once concluded.

Further External Notifications

- 6.7 The Executive Director will assess the incident and determine the need for further notifications which may include, but is not limited to:
- JACS Executive
 - JACS Media
 - Minister for Corrections
 - Inspector of Correctional Services
 - ACT Health
 - ACT Policing.

7 NEXT OF KIN NOTIFICATION

- 7.1 In the event of a serious injury or illness of a detainee, or another circumstance that requires a detainee's next of kin to be notified, it is the responsibility of the OIC of the correctional centre to notify the detainee's next of kin, as soon as practicable.

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- 7.2 If the detainee is a foreign national, the General Manager must notify the relevant embassy or consulate of the detainee's circumstances.
- 7.3 If the detainee has a disability and is managed by the Public Advocate, the General Manager must notify the Public Advocate of the detainee's circumstances.
- 7.4 All attempted and actual notifications to a detainee's next of kin must be recorded on the detainee's electronic file.

8 DEATH IN CUSTODY

- 8.1 In the event of a death in custody specific arrangements for the notification of next of kin are as follows:
- The OIC must notify ACT Policing of a death in custody as soon as practicable and in all instances within 30 minutes of a death being confirmed.
 - ACT Policing have the primary responsibility for notifications to next of kin for non-Aboriginal and/or Torres Strait Islander detainee deaths in custody.
 - The ACT Coroners Court have the primary responsibility for notifications to next of kin for Aboriginal and/or Torres Strait Islander detainee deaths in custody. Where the ACT Coroners Court does not have a suitably qualified officer available, an ACT Policing Coroners Officer will perform this function.
 - An ACT Policing or ACTCS Aboriginal Liaison Officer may attend notification of next of kin in support of the ACT Coroners Court or ACT Policing.
 - Where possible and in consultation with ACT Policing a senior ACTCS staff member will attend the notification of a next of kin in support of the ACT Coroners Court or ACT Policing.
- 8.2 If there is no next of kin listed for the detainee and ACTCS are unable to identify another relation or friend of the detainee for ACT Policing to notify, the General Manager will notify the Public Trustee.

9 INSPECTOR OF CORRECTIONAL SERVICES

- 9.1 The Executive Director is obliged under s17 of the *Inspector of Correctional Services Act 2017* to report a critical incident to the Inspector of Correctional Services as soon as practicable.
- 9.2 For the purpose of s17(2) of the *Inspector of Correctional Services Act 2017*, a critical incident is defined as meaning any event in a correctional centre or in the provision of ACTCS that involves any of the following:

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- The death of a person
 - A person's life being endangered
 - An escape from custody
 - A person being taken hostage
 - A riot that results in significant disruption to a centre or service
 - A fire that results in significant property damage
 - An assault or use of force that results in a person being admitted to a hospital
 - Any other incident identified as a critical incident by a relevant Minister or relevant director-general.

9.3 The Inspector of Correctional Services may review a critical incident on the inspector's own initiative or as requested by a relevant Minister or relevant Director-General under s18 (1)(c) of the *Inspector of Correctional Services Act 2017*.

10 MINISTERIAL BRIEFING NOTE

10.1 In the event that a Ministerial briefing note is required, it will be prepared by an officer within the ACTCS Ministerial Support Unit, in liaison with the respective Business Unit Executive(s) and escalated to the Executive Director through the appropriate quality assurance processes. This process will include a check of:

- Objectivity
- Transparency
- Accuracy of Fact
- Accountability
- Adequacy / Sufficiency of information.

10.2 Incident related ministerial briefings will be finalised no later than by close of business on the working day following the incident. It is acknowledged that further briefings may be required.

11 POST INCIDENT MANAGEMENT

11.1 Incidents can often be a stressful experience for both staff and detainees. It is imperative that appropriate supports are in place.

11.2 In the event of an incident within a specific area and where practical, staff members involved should be provided the opportunity to complete the remainder of their shift in a different location as to where the incident occurred.

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- 11.3 In the event of a notifiable incident, or any other incident as considered appropriate by the appropriate manager, the Staff Peer Support Team should be informed.
- 11.4 The OIC, or appropriate manager, should ensure that all relevant reports are completed prior to staff leaving the workplace at the end of their shift.
- 11.5 The OIC should ensure that the appropriate RiskMan notifications are completed prior to staff leaving their workplace at the end of their shift.

Post Incident Debriefs

- 11.6 A post incident debrief is a structured discussion or review of an incident. They are intended to identify any learnings from an incident and to check on the welfare of those involved.
- 11.7 Most incidents will require some form of debrief, these may be informal, 'hot' and/or formal.
- 11.8 Informal and 'hot' debriefs should take place in the immediate aftermath of an incident prior to staff leaving the workplace and should, where practicable, include all staff involved including ACT Health staff and contracted staff.
- 11.9 The appropriate manager will determine whether an informal or a hot debrief is required and make the necessary arrangements for these to occur. Hot debriefs should always take place where there are clear immediate learnings, or where staff have been subject to an incident which may induce a high level of stress.
- 11.10 The respective Business Unit Executive, or the Executive Director will determine whether a formal incident debrief is required.
- 11.11 In general all debriefs should include the following points:
- Review of the incident
 - Concerns raised
 - Lessons learnt
 - Good practices identified
 - A reminder to staff of their ability to access the Employee Assistance Program
 - Identification and referral of any additional persons who may require support (e.g. detainees, visitors and non-custodial staff)
 - Any other relevant matter identified.

Informal Debriefs

- 11.12 Informal debriefs should be undertaken immediately after an incident and may be chaired by any line manager.

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- 11.13 Informal debriefs should focus on identifying immediate concerns and learnings related to the incident and should also ensure that any immediate health and wellbeing issues are addressed, and that staff are reminded of their ability to access the Employee Assistance Program.
- 11.14 There is no requirement to document an informal debrief unless there are any significant issues identified which need to be either addressed or referred for further consideration, although confirmation of the debrief having taken place should be annotated on the incident summary report.
- 11.15 In all debriefs care should be taken so as to ensure that future reviews or investigations are not compromised. Where information is raised that should be referred for investigation, this should be documented and not explored further.

Hot Debriefs

- 11.16 A hot debrief should be conducted in the immediate aftermath of an incident and is aimed at focussing on reassurance, information sharing, normalisation and staff support. It is not intended to analyse or re-live the incident, it should never be used as an opportunity to apportion blame or to pre-judge review outcomes.
- 11.17 A hot debrief must be chaired by an appropriate manager, or higher, and all staff involved in the incident should be included in the immediate debrief (including ACT Health). Staff who wish to attend, but are unable should be followed up with either as a group or individually.
- 11.18 The template at Appendix D should be used for all hot debriefs.
- 11.19 All involved should be reminded of the appropriate supports available to them.
- 11.20 The completed hot debrief template should be emailed to ACTCSoperationalcompliance@act.gov.au immediately.

Formal Debrief

- 11.21 A formal debrief will be undertaken and documented using the template at Appendix E upon direction of the respective Business Unit Executive or the Executive Director. Where necessary, these will be completed within 14 days and will be chaired by the appropriate functional head, Business Unit Executive or Executive Director. The purpose of a formal debrief is to:
- Examine an incident in its entirety
 - Look at how the incident occurred
 - Consider how the incident was managed
 - Identify any opportunities to improve responses to incident management

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- Identify and address any concerns from the incident.
 - A formal debrief is intended to identify opportunities for continuous improvement through all of the above.
- 11.22 Formal Debrief reports will be submitted to Operational Compliance via ACTCSoperationalcompliance@act.gov.au within 2 working days of the Debrief.
- 11.23 All debrief reports will be reviewed by the Operational Compliance Unit who will maintain a 'lessons learned' register and ensure that actions committed to through the debrief process are appropriately reported, implemented and actioned through appropriate reporting to the Executive Governance Committee.

12 REPORTING OF SUSPECTED MISCONDUCT AND/OR POTENTIAL CRIMINAL ACTIVITY BY STAFF

- 12.1 Any incident relating to suspected or actual staff misconduct, whether on duty or off duty, must be referred directly to the Intelligence and Integrity Unit as soon as practical after a staff member becomes aware of the suspected misconduct or potential criminal activity.
- 12.2 This may be done, through the Integrity Reporting Tool on SharePoint or directly to the Manager, Intelligence and Integrity Unit and/or the Executive Director. Please note only staff working within the ACTCS Intelligence and Integrity Unit and the Executive Director have access to reports submitted through the Integrity Reporting Tool. The types of matters include but are not limited to:
- Corruption – falsification of records, trafficking and fraud
 - Misuse of official information – unauthorised access and release of information
 - Misuse of resources – vehicles, emails, credit cards
 - Neglect of duty – failure to report an incident, compromise security, fitness to work
 - Abuse of authority – threatening behaviour towards prisoners, intimidation and discrimination
 - Assaults – sexual, indecent, misuse of force
 - Conflicts of interest – improper associations, secondary employment, gifts
 - Inappropriate personal behaviour – towards offenders, other staff and others
 - Arrested or charged for any criminal activity – e.g. drink driving, assault.

13 SECURITY INFORMATION REPORTS

13.1 A Security Report is not reliant on an incident having occurred but is a tool for staff to report observations, associations, and information that may present a risk to Community Safety, the Organisation and those within it. Security reports assist in:

- The prevention and detection of crime
- Monitoring good order, control and security including the reduction of violence, contraband and self-harm
- The development of strategies to counteract threats to community safety, the security of ACT facilities and possibly national interests.

13.2 All staff are required to submit a Security Information Report where they identify any of the above, or any activity that appears abnormal or out of place within their working environment. Reports should be timely, factual, transparent and as detailed as possible to permit further investigation as may be necessary.

13.3 Notably a Security Information Report provides for a proactive rather than reactive response. There is a direct correlation between the provision of information which allows for a proactive intervention and the number of incidents which occur.

14 RELATED DOCUMENTS AND FORMS

- **A – Notifiable Incidents**
- **B – Incident Report Form**
- **C – Incident Summary Form**
- **D – Hot Debrief Report**
- **E – Formal Debrief Report**
- **F – Security Information Report**



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27 June 2018

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Version 1	
