

Australian Capital Territory

# Corrections Management (Incident Reporting, Notifications and Debriefs) Policy 2019

Notifiable instrument NI2019-266

made under the

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

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## 1 Name of instrument

This instrument is the *Corrections Management (Incident Reporting, Notifications and Debriefs) Policy 2019*.

## 2 Commencement

This instrument commences on the day after its notification day.

## 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, Notifications and Debriefs) Policy 2018 (No 2)* [NI 2018-458].



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Executive Director  
ACT Corrective Services  
3 May 2019

# 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 for post incident management, including appropriate notification to next of kin and debrief processes.

## 2 SCOPE

This policy applies to ACTCS staff and contracted service providers.

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

## 3 DEFINITIONS

### **Actual bodily harm**

As defined in section 24 of the *Crimes Act 1900 (ACT)*.

### **Appropriate manager**

Officer-in-Charge, Team Leader, or above.

### **Business day**

A day that is not:

- a. Saturday or Sunday; or
- b. a public holiday in the ACT.

### **Grievous bodily harm**

As defined in *Crimes Act 1900 (ACT)* to include any permanent or serious disfiguring of a person, and for a pregnant woman, loss of or serious harm to the pregnancy other than in the course of a medical procedure.

### **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 the safety of the community.

### **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.

## 4 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 – Head of Community Operations
  - Corporate Services and Executive – Senior Manager, Executive Support and Governance.
- 4.2 The Executive Director must be notified within 60 minutes of the conclusion of any notifiable incident.

## 5 MINIMUM INCIDENT REPORTING REQUIREMENTS

- 5.1 Incident reporting is essential to ACTCS operations and must occur following any incident except for use of force incidents, in which case the staff member must complete reports under the *Use of Force and Restraints Policy*.
- 5.2 An *A2.F1: Incident Report Form* must be completed following any event that:
- has jeopardised the safety of a person in the community;
  - has jeopardised the safety of staff or any other person in our workplace;
  - has jeopardised the good order and security of a custodial facility;
  - has affected the normal or routine operation of a custodial facility;
- and/or
- is related to a breach of discipline according to the *Disciplines Policy*.
- 5.3 The *A2.F1: Incident Report Form* must be stored in the relevant electronic record system and hard-copy folder, and a copy sent to the Intelligence and Integrity Unit via email to [ACTCS-Intelligence@act.gov.au](mailto:ACTCS-Intelligence@act.gov.au).
- 5.4 All staff (including ACTCS employees and others) who were involved in, or witnessed, an incident must complete an *A2.F1: Incident Report Form*.
- 5.5 All reports must be clear, concise, factual and completed as soon as practicable 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.

5.6 Staff will use the 5WH approach to complete the *A2.F1: Incident Report Form* 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.

5.7 Incident reports must be reviewed by the appropriate manager by close of business on the same day.

5.8 The appropriate manager will:

- a. ensure that all required reports have been received;
- b. ensure that any immediate concerns have been addressed; and
- c. complete an *A2.F2: Incident Summary Form* and submit this with all associated reports to [#ACTCSoperationalcompliance@act.gov.au](mailto:#ACTCSoperationalcompliance@act.gov.au).

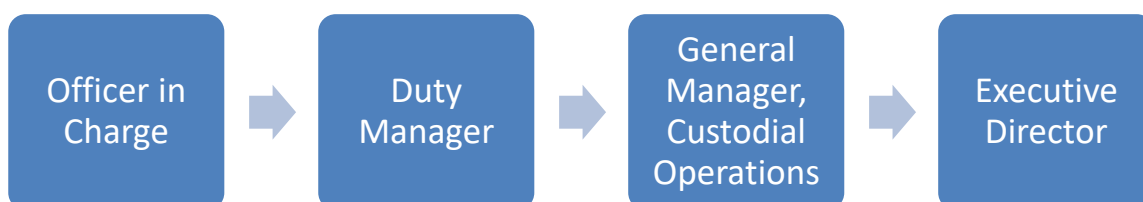
## 6 NOTIFIABLE INCIDENTS

6.1 Notifiable incidents are defined at *Annex A - Notifiable Incident Categories*.

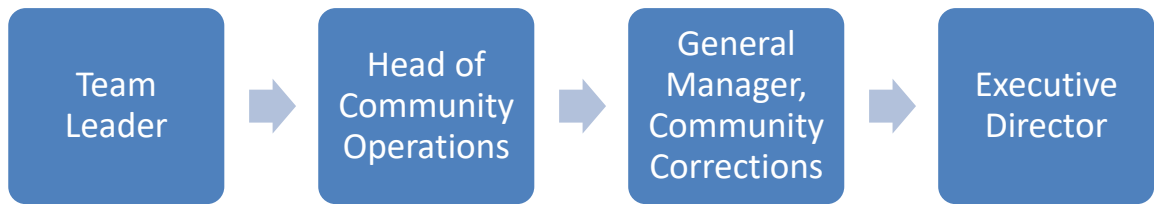
### Verbal Notifications

6.2 Staff members must verbally notify the responsible officers as soon as possible after any notifiable incident using the following chain of command:

#### Custodial Operations



#### Community



Corporate



- 6.3 Where contact cannot be made immediately on the first attempt, the notification must be escalated to the next level without delay.

**Written notifications**

- 6.4 The appropriate manager must email a brief factual outline of any notifiable incident to [#ACTCSincident@act.gov.au](mailto:#ACTCSincident@act.gov.au) within 60 minutes of the conclusion of the incident, or as soon as is practicable in the event of an ongoing situation.
- 6.5 The email must be earmarked as urgent and include the words ‘Early Incident Notification’ in the subject line.
- 6.6 The Operational Compliance team will maintain a register of all notifiable incidents and post incident actions, including debriefs.

**External notifications**

- 6.7 Where police attendance is required, the appropriate manager must contact ACT Policing as soon as possible to request attendance. The appropriate manager must then notify the Manager, Intelligence and Integrity Unit, by email to [ACTCS-Intelligence@act.gov.au](mailto:ACTCS-Intelligence@act.gov.au).
- 6.8 The Manager, Intelligence and Integrity Unit, will maintain a register of all referrals to ACT Policing, including the outcomes.
- 6.9 Where necessary, the Executive Director will determine the requirement for external notifications including, but not limited to:
- a. ACT Insurance Agency;
  - b. Australian Institute of Criminology;

- c. WorkSafe ACT;
- d. JACS Executive;
- e. JACS Media;
- f. Minister for Corrections;
- g. Inspector of Correctional Services; or
- h. ACT Health.

## 7 NOTIFICATION TO POLICE

- 7.1 Divisional Executives are responsible for ensuring that ACT Policing are immediately notified of any serious incident, including but not limited to:
- a. a death in custody;
  - b. any incident involving injury to an offender, either self-inflicted or caused by another person, that under in the circumstances may lead to the death in custody of the offender;
  - c. assaults that result in hospital attendance, including assaults on staff members;
  - d. any bomb threat; and
  - e. active concerted indiscipline or detainee disturbances.
- 7.2 For notifications under section 7.1, the Divisional Executive will arrange for the senior responding police officer to receive a briefing immediately on arrival at the facility.
- 7.3 The relevant Divisional Executive will ensure that the scene of any incident under section 7 is preserved in accordance with the Management of Evidence Procedure.
- 7.4 Divisional Executives can exercise discretion to refer minor incidents to ACT Policing where necessary and in accordance with local risk assessment procedures.
- 7.5 For all incidents managed under the ACTCS Emergency Management Framework, the Incident Controller is responsible for notifying ACT Policing in accordance with section 7.1.

### **Serious assaults**

- 7.6 Divisional Executives will ensure ACT Policing are notified of:
- a. any serious assault on a person that results in actual bodily harm or grievous bodily harm; and
  - b. all sexual assaults,



as soon as practicable after the incident.

- 7.7 For any incident of assault on a detainee or offender, the appropriate manager must ensure that the victim is provided with the opportunity to request ACT Policing attendance.
- 7.8 For any notification under section 7.6, the Manager, Intelligence and Integrity Unit, will ensure that the following information is provided to ACT Policing within 48 hours:
- a. CCTV footage related to the incident;
  - b. all relevant reports under this policy;
  - c. details of all staff members involved or witness to the incident;
  - d. details of the victim and any victim safety concerns;
  - e. relevant security concerns; and
  - f. any relevant log, records or other documents.

#### **Illicit substances**

- 7.9 The Manager, Intelligence and Integrity Unit, will notify ACT Policing of incidents where a suspected illicit substance is located in an ACTCS facility, including syringes containing any substance.

## **8 DETAINEE NEXT OF KIN NOTIFICATION**

- 8.1 The Officer-in-Charge of a correctional centre is responsible for notifying a detainee's next of kin, as soon as practicable:
- a. where the detainee has experienced a serious injury or illness and been admitted to a health facility; or
  - b. according to a direction of the Deputy General Manager or above.
- 8.2 Where available and to do so would not cause an unnecessary delay, notification to the next of kin of Aboriginal and Torres Strait Islander detainees will be made by the Indigenous Liaison Officer.
- 8.3 Where a detainee does not have a nominated next of kin, the General Manager Custodial Operations will ensure that:
- a. for detainees who are foreign nationals, the relevant embassy or consulate is notified; and
  - b. where a detainee is identified as being under the care of the Public Advocate, the Public Advocate is notified,
- as soon as practicable.

- 8.4 All attempted and completed notifications to a detainee's next of kin must be recorded on the detainee's electronic record system.

## 9 DEATH IN CUSTODY NOTIFICATIONS

- 9.1 In the event of a death in custody, the Officer-in-Charge must ensure ACT Policing are notified as soon as possible and for all instances within 30 minutes of a death being confirmed by an ACT Health medical practitioner.
- 9.2 ACT Policing have primary responsibility for notifications to next of kin for non-Aboriginal and Torres Strait Islander detainee deaths in custody.
- 9.3 The ACT Coroners Court have primary responsibility for notifications to next of kin of Aboriginal and 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.
- 9.4 The Indigenous Liaison Officer may attend notification of next of kin in support of the ACT Coroners Court or ACT Policing.
- 9.5 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.
- 9.6 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 Custodial Operations or delegate will notify the Public Trustee of the ACT.

## 10 INSPECTOR OF CORRECTIONAL SERVICES

- 10.1 The Executive Director must report a critical incident to the Inspector of Correctional Services as soon as practicable in accordance with section 17 of the *Inspector of Correctional Services Act 2017 (ACT)*.
- 10.2 Under section 17(2) of the *Inspector of Correctional Services Act 2017 (ACT)*, a critical incident is any incident that involves:
- a. the death of a person;
  - b. a person's life being endangered;
  - c. an escape from custody;
  - d. a person being taken hostage;
  - e. a riot that results in significant disruption to a centre or service;

- f. a fire that results in significant property damage;
  - g. an assault or use of force that results in a person being admitted to a hospital; or
  - h. any other incident identified as a critical incident by a relevant Minister or relevant director-general.
- 10.3 The Inspector of Correctional Services can review a critical incident on the Inspector's own initiative or as requested by a relevant Minister or relevant Director-General in accordance with section 18(1)(c) of the *Inspector of Correctional Services Act 2017 (ACT)*.

## **11 MINISTERIAL BRIEFING NOTE**

- 11.1 The Manager, Ministerial Support Unit, is responsible for preparing ministerial briefing notes as requested by the Executive Director.
- 11.2 The Manager, Ministerial Support Unit, will ensure that all briefing notes are quality assured for:
- objectivity
  - transparency
  - accuracy of fact
  - accountability
  - adequacy and sufficiency of information.
- 11.3 Incident-related ministerial briefings will be finalised no later than by close of the next business day following the incident. It is acknowledged that further briefings may be required.
- 11.4 The Executive Director will authorise ministerial briefing notes in accordance with their delegated function under the *Public Sector Management Act 2010 (ACT)*.

## **12 POST INCIDENT MANAGEMENT**

- 12.1 Incidents can often be a stressful experience for both staff and detainees. Divisional Executives are responsible for ensuring that appropriate supports are in place for staff, detainees and offenders to access as required.
- 12.2 Where practical, staff members involved in an incident will be provided the opportunity to complete the remainder of their duty period in a different location to where the incident occurred.

- 12.3 In the event of a notifiable incident, or any other incident as considered appropriate by the appropriate manager, the Staff Peer Support Team will be informed.
- 12.4 The appropriate manager will ensure that:
- a. all relevant reports are completed prior to staff leaving the workplace at the end of their shift; and
  - b. RiskMan notifications are completed where required, prior to staff leaving their workplace at the end of the day's duty period.

## **13 POST INCIDENT DEBRIEFS**

- 13.1 A post incident debrief is a structured discussion or review of an incident to identify any learnings and to check on the welfare of those involved.
- 13.2 Debriefing will be required for most incidents. Debriefs are 'hot' and/or formal.
- 13.3 The Executive Director or Divisional Executives will determine whether a formal incident debrief is required.
- 13.4 All debriefs will include the following:
- a. review of the incident;
  - b. concerns raised;
  - c. lessons learnt;
  - d. good practices identified;
  - e. a reminder to staff of their ability to access the Employee Assistance Program;
  - f. identification and referral of any additional persons who may require support (including detainees, visitors or non-custodial staff); and
  - g. any other relevant matters.
- 13.5 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, provided to the Executive Director, and not explored further.

## **14 HOT DEBRIEFS**

- 14.1 A hot debrief will occur immediately after every incident and will be chaired by the appropriate manager or as determined by the Divisional Executive.
- 14.2 A hot debrief:

- a. will establish any immediate concerns and address any immediate wellbeing issues;
  - b. should include all staff involved in the incident. Staff who wish to attend, but are unable should receive follow-up contact either as a group or individually;
  - c. will occur in the immediate aftermath of the incident and focus on reassurance, information sharing, normalisation and staff support; and
  - d. must not analyse the incident or be used as an opportunity to apportion blame or to pre-judge any review outcomes.
- 14.3 The appropriate manager must complete a *A2.F3: Hot Debrief Report* and email to Operational Compliance via [#ACTCSoperationalcompliance@act.gov.au](mailto:#ACTCSoperationalcompliance@act.gov.au) immediately after the hot debrief concludes.

## 15 FORMAL DEBRIEF

- 15.1 A formal debrief is a structured process following an incident which seeks to review actions taken and identify and address key areas of concern and learnings to enhance future incident management.
- 15.2 A formal debrief will:
- a. examine an incident in its entirety;
  - b. work through the incident as it occurred;
  - c. consider how the incident was managed;
  - d. identify and address any concerns; and
  - e. identify opportunities for continuous improvement, including changes to policy and in particular the *ACTCS Emergency Management Framework*.
- 15.3 Formal debriefs will be chaired by the appropriate Divisional Executive or the Executive Director and should occur within 14 days of the incident. Where this cannot be achieved, a date should be confirmed for the debrief and the reason for the delay provided to the Operational Compliance team.
- 15.4 The chair must complete a *A2.F4: Formal Debrief Report* and email to Operational Compliance via [#ACTCSoperationalcompliance@act.gov.au](mailto:#ACTCSoperationalcompliance@act.gov.au) within two (2) business days.
- 15.5 The Operational Compliance team will:
- a. review all formal debriefs;
  - b. maintain a 'lessons learned' register; and

- c. ensure that any actions are actioned, implemented and reported to the Executive Governance Committee.

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

- 16.1 ACTCS expects all staff to uphold the highest standards of ethical and professional conduct. This requires all staff to report any incident relating to suspected or actual staff misconduct or potential criminal activity, whether on duty or off duty, to the Intelligence and Integrity Unit as soon as practicable after a staff member becomes aware of the incident.
- 16.2 A failure to report staff misconduct can constitute misconduct and lead to the matter being referred for investigation.
- 16.3 Suspected misconduct or potential criminal activity involves breaches of the *ACTPS Code of Ethics* and *Ethical Conduct and Dress Standards for Staff Policy* and includes, but is 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 detainees or offenders, intimidation and discrimination
  - Assaults – sexual, indecent, misuse of force
  - Conflicts of interest – improper associations, secondary employment, gifts
  - Establishment of inappropriate relationships – between staff and detainees or offenders
  - Inappropriate personal behaviour – towards detainees or offenders, other staff and others
  - Arrested or charged for any criminal activity – e.g. drink driving, assault.
- 16.4 Staff can report suspected or actual staff misconduct or potential criminal activity by:
  - a. using the *Integrity Reporting Tool* on Sharepoint; or

- b. contacting the Manager, Intelligence and Integrity Unit, or Executive Director directly.

16.5 Only the Executive Director and Intelligence and Integrity Unit are authorised to access reports made via the Integrity Reporting Tool.

## 17 SECURITY INFORMATION REPORTS

- 17.1 Security Information Reports assist in:
  - a. the prevention and detection of crime;
  - b. monitoring good order, control and security including the reduction of violence, contraband and self-harm; and
  - c. the development of strategies to counteract threats to community safety, the security of ACTCS facilities and possibly national interests.
- 17.2 Staff are required to use Security Information Reports to report observations, associations and information that could present a risk to ACTCS, community safety or the safety of any person. Staff can make a report without any incident having occurred.
- 17.3 Staff must report any abnormal or out of place activity within their work environment.
- 17.4 Security Information Reports must be timely, factual, transparent and as detailed as possible to permit further investigation as necessary.
- 17.5 Security Information Reports provide for a proactive response to potential threats or incidents. There is a direct correlation between proactive intervention and the number of incidents which occur.
- 17.6 Staff can access a Security Information Report using the 'Intelligence Reporting' function on Sharepoint.

## 18 RELATED DOCUMENTS

- A – Annex A - Notifiable Incident Categories
- B – A2.F1: Incident Report Form
- C – A2.F2: Incident Summary Form
- D – A2.F3: Hot Debrief Report
- E – A2.F4: Formal Debrief Report
- F – Incident Reporting Operating Procedure
- G – Incident Reporting Community Instruction

- H – Security Information Report
- I – Integrity Reporting Tool
- J – Use of Force and Restraints Policy
- K – Ethical Conduct and Dress Standards Policy
- L – ACT Public Service Code of Ethics



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 3 May 2019

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