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| Client incident management system  Operational update 1 - 2019 |
| Investigation or reviewing allegations of abuse, sexual exploitation, poor quality of care or unexplained injuries |

# Investigating allegations of abuse, poor quality of care or unexplained injuries – Operational update

## 1.1 Using this update

This update supports the operation of Chapter 4 of the Client incident management guide. It only relates to the incident categories detailed below at Section 1.2.

Where the Client incident management guide is ambiguous or unclear, this update should be used to aid decision making in relation to investigative actions required in response to major impact incidents. This update assumes the incident has been responded to and reported in line with the Client incident management guide.

The purpose of an incident investigation by a service provider under the CIMS is to determine whether there has been abuse or neglect of a client by a staff member, volunteer or another client, following an allegation in a client incident report – i.e. substantiate or not substantiate the allegation.

## 1.2 Which incidents require an outcome as to whether the allegation of abuse or poor quality of care of a client has occurred?

The service provider **must consider** if an investigation should be done for incidents assessed as major client impact with one or more of the following incident types:

* physical, sexual (including sexual exploitation), financial, or emotional/psychological (including cultural) abuse
* poor quality of care
  + injury – unexplained.

Other major impact incident types or incidents involving allegations of abuse where the perpetrator is not a staff member, volunteer, or client, should not be investigated under the CIMS. These incidents must instead be subject to a root cause analysis review or case review. All major impact incident reports must be subject to either investigation or review.

## 1.3 What are the options for determining and providing an outcome for an allegation of abuse, unexplained injury, or poor quality of care?

The investigative action and requirements are determined by the service provider during the screening process. The purpose of an investigation is to determine whether there has been abuse or poor quality of care of a client as per an allegation.

In some instances, the information and evidence available during the screening process provides a conclusion, on the balance of probabilities, that satisfies the investigation manager, and a reasonable person under similar circumstances would determine the same outcome. For example, where the person the allegations are made against confirms the allegations or CCTV footage of the incident is available and irrefutable.

The level of resources used to undertake an investigation requires weighing the benefits of the action to the potential outcome. Where the investigation manager is not satisfied that the allegation can, or cannot, be substantiated during the screening process, an investigation plan and a more detailed and robust investigation is required. Any proposed investigation should be in proportion to the nature and significance of the incident and associated allegations. The nature and significance of incidents are determined by the seriousness of the allegations and the impact on the client. Incidents that are more significant or complex may require a higher level of resources dedicated to the investigation following the screening process.

CIMS investigations should make use of evidence and processes used for other investigations required by various oversight and government bodies wherever possible and appropriate.

The investigation process usually requires both an investigation plan and an outcome report. The investigation plan provides guidance for the investigation and the outcome report documents the findings, the methods used in weighing information, and evidence gathered and considered in relation to the allegations. The outcome report includes a conclusion as to whether the allegations can, or cannot, be substantiated on the balance of probabilities. Service providers are responsible for ensuring appropriate communication with all parties subject to the incident report and allegation throughout the process.

If an outcome has been determined at the screening stage the department divisional office is to be notified via a follow-up recommendation to investigate, detailing the proposed investigation outcome, rationale for not further investigating, the evidence available that supports the outcome, and the proposed review action. Investigation Outcome and Review templates are available for this form of investigation outcome report.

A CIMS investigation does not preclude the service provider from undertaking suitable notifications and/or completing investigation processes as part of other obligations such as Reportable Conduct Scheme or Section 81 and 82 notifications.

An investigation outcome (substantiated or not substantiated) must be recorded within the CIMS IT along with the supporting rationale for decision, summary of supporting evidence for the decision and the final review outcome report.

The **three** options for service providers in response to major impact incidents where there is an allegation of abuse, poor quality of care or an unexplained injury are:

1. Outcome not determined at screening - full investigation required

* Submit follow-up recommendation for an investigation within the CIMS IT (includes rationale of decision to investigate and outlines investigative actions to be undertaken)
* Develop investigation plan
* Conduct investigation proportionate to the nature and significance of the incident
* Determine outcomes for allegations of abuse, poor quality of care or unexplained injury for each client subject to the investigation process
  + Submit completed outcome/s report and supporting documentation to department divisional office via the ‘investigation outcomes‘ page within the CIMS IT after the follow-up recommendation is approved.

1. Outcome determined at screening - complete the “Investigation outcome and case review template”

* Submit follow-up recommendation for an internal investigation within the CIMS IT. Follow-up recommendation needs to include a rationale detailing:
  + - proposed investigation outcome
    - rationale as to why an investigation is not warranted and a case review is more appropriate
      * summary of supporting evidence which supports outcome being determined
* Undertake and complete a case review
  + Submit completed Investigation outcome and case review report and supporting documentation to department divisional office via the ‘investigation outcomes‘ page within the CIMS IT after the follow-up recommendation is approved.

1. Outcome determined at screening - complete the “Investigation outcome and root cause analysis template”

* Submit follow-up recommendation for an internal investigation within the CIMS IT. Follow-up recommendation needs to include a rationale detailing:
  + - proposed investigation outcome
    - rationale as to why an investigation is not warranted and a root cause analysis is more appropriate
    - summary of supporting evidence which supports outcome being determined
    - proposed approach for the root cause analysis
    - Undertake and complete a root cause analysis
      * Submit completed Investigation outcome and root cause analysis outcome report and supporting documentation to department divisional office via the ‘investigation outcomes‘ page within the CIMS IT after the follow-up recommendation is approved.

Each of the three options above are represented in they workflow diagram available at Figure 1: CIMS Investigation workflow for major impact incidents of allegations of abuse, unexplained injury or poor quality of care.

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Figure 1: CIMS – Investigation workflow for major impact incidents of allegations of abuse, unexplained injury or poor quality of care 