



Director of Forensic Disability POLICY

Title: Notification of Incidents to Director of Forensic Disability

1. Policy Statement

This policy outlines the Director of Forensic Disability policy regarding the information to be notified to the Director of Forensic Disability about critical incidents and non-compliance with the *Forensic Disability Act 2011* (the Act).

2. Purpose

The purpose of this policy is to ensure:

- All critical incidents, notifiable incidents and non-compliance with the Act are reported to the Director of Forensic Disability.

3. Scope

This policy applies to the Forensic Disability Service (FDS). The Administrator, Senior Practitioner, Authorised Practitioner, or other persons, performing a function or exercising a power under the Act must comply with this policy.

This policy must be implemented in a way that is consistent with the purpose and principles of the Act.

4. Authorising Legislation

Section 91 of the Act.

5. Policy

5.1 Notification to the Director of Forensic Disability

The Administrator of the FDS must ensure the Director of Forensic Disability is fully informed of a critical incident, a major incident, incidents of significant non-compliance, or suspected non-compliance with the Act.

Critical incidents and major incidents are defined in the DCDSS “Critical Incident Reporting: Critical Incident Types” fact sheet.¹

A critical incident or major incident as per the current DCDSS “Critical Incident Reporting: Critical Incident Types” fact sheet means:

- Death of a person;
- Life threatening or serious injury that results in hospitalisation of a person;
- Abduction of, or by, a person who is a client, carer or staff member;
- Major security incident;
- Alleged rape, sexual assault or serious assault;
- Attempted suicide;
- Missing person; or
- Alleged abuse, neglect or exploitation of a person with a disability.

The Administrator must ensure the Director of Forensic Disability is informed of any critical incident involving a client as soon as practicable alongside any departmental notifications in line with and relevant departmental critical incident policy.

The Director of Forensic Disability is also to be fully informed of all ‘notifiable incidents’ in a timely manner, which include the following:

- Any incident involving a breach of the client’s forensic order;
- Any incident where a client is ‘Absent Without Approval’ from the FDS;
- Any incident where an FDS client has engaged in an activity that may result in potential charge(s) against them;
- A serious adverse clinical incident such as, the incorrect administration of medication to a client which could have resulted in serious harm;
- Any incident affecting the physical or mental health, safety or wellbeing of an FDS client or another person;
- Any incident which could attract public attention or adversely affect the reputation of the Forensic Disability Service;
- Any use of a regulated behaviour control in relation to an FDS client (refer to *Director of Forensic Disability Policy and Procedure - Use of Regulated Behaviour Control* and the related procedures);
- Any use of physical force (including reasonable force as per the Act) in relation to an FDS client;
- Any form of non-physical inappropriate conduct toward an FDS client, including discrimination, bullying, intimidation or harassment; and
- A breach of any offence provision of the Act (e.g. ill treatment of FDS clients, contravention of the confidentiality obligations, assisting a client to unlawfully absent themselves, giving false or misleading information to an official, and obstructing an official).

¹ <https://dsdsatsipintranet.root.internal/resources/dsdsatsipintranet/service-delivery/critical/cir-categories.pdf>

5.2 Reporting

The Administrator must notify the Director of Forensic Disability of any critical incidents involving a client, notifiable incidents, significant non-compliance or suspected non-compliance with the Act in a timely manner.

5.3 Director of Forensic Disability actions

As a consequence of a critical incident or notification of non-compliance, the Director of Forensic Disability may, by written notice, require the Administrator to provide specific information about the support and care of the client. The Administrator must comply with the notice. The Director of Forensic Disability may also undertake an investigation into an incident, suspected legislative breach or legislative breach notified under this policy.

Date of approval: 09 January 2023

Date of operation: 01 February 2023

Date to be reviewed: 01 February 2026

Designation: Director of Forensic Disability

Help Contact: directorforensicdisability@dsdsatsip.qld.gov.au

Jenny Lynas
Director of Forensic Disability