



Reportable incidents: unreasonable use of force

Serious Incident Response Scheme

A fact sheet for providers of home care and flexible care delivered in a home or community setting



The Serious Incident Response Scheme (SIRS) helps prevent and reduce the risk of incidents of abuse and neglect in aged care services subsidised by the Australian Government.

Under the SIRS, all incidents and near misses should be recorded in a provider's incident management system (IMS) to ensure a timely and appropriate response that minimises impact, supports those affected and reduces the risk of recurrence.

There are eight types of reportable incidents that must be recorded in a provider's IMS and reported to the Aged Care Quality and Safety Commission (the Commission).

This fact sheet covers reporting of incidents in a home or community setting relating to unreasonable use of force.

What is unreasonable use of force?

Unreasonable use of force is physical contact with a consumer that ranges from the use of unwarranted physical force to a deliberate and violent physical attack, including in cases where the subject of the allegation is another consumer.

It includes behaviour such as shoving, pushing, hitting, punching, kicking or rough handling of a consumer. The force can be unreasonable even if it doesn't cause injury or visible harm such as bruising, and where the consumer does not require medical treatment.

Unreasonable force does not include gently touching the consumer:

- for the purposes of providing care
- to attract the consumer's attention
- to guide the consumer
- to comfort the consumer when they are distressed.

Some examples of what does and does not constitute unreasonable use of force can be found in the table on [page 4](#). These examples are provided as a guide only. If an incident occurs, you should carefully consider all the

information and circumstances when deciding whether unreasonable use of force has occurred, particularly the impact on the consumer.

What are some of the possible signs of unreasonable use of force?

There may be warning signs that may indicate that a consumer has experienced unreasonable use of force, even if it is not witnessed. These include:

- avoiding certain activities or cancelling services
- being overly compliant with staff where this is out of character
- frequent and overall drowsiness (associated with head injuries)
- aggression that is out of character
- being unusually withdrawn, sad or emotional, crying
- depression.

How to respond to unreasonable use of force

If a consumer is involved in an incident involving unreasonable use of force, or where there is a suspicion or allegation of this, you must immediately ensure their safety and wellbeing. This may include arranging medical or psychological assistance.

Depending on the nature of the incident, you may also need to contact the police.

All details of the incident must be recorded in your IMS.

You must also record near misses, or potential incidents in your IMS. An example of a near miss or potential incident is when a consumer is prevented from harming another consumer through the intervention of a staff member or another person.

Reporting unreasonable use of force to the Commission

All incidents involving unreasonable use of force (including allegations or suspicions) must be reported to the Commission; the timeframe for this report depends on the impact on the consumer. You must determine whether the incident is a Priority 1 or Priority 2 reportable incident.



A Priority 1 reportable incident is a reportable incident:

- That caused, or could reasonably have been expected to have caused, a consumer physical or psychological injury or discomfort that requires medical or psychological treatment to resolve; or
- Where there are reasonable grounds to report the incident to the police; or
- That involves unlawful sexual contact or inappropriate sexual conduct, the unexpected death of a consumer or a missing consumer.

You must notify the Commission of a Priority 1 reportable incident within 24 hours of becoming aware of the incident.

A Priority 2 reportable incident is a reportable incident:

- That does not meet the criteria of a Priority 1 incident.

You must notify the Commission of a Priority 2 reportable incident within 30 days of becoming aware of the incident.

The Commission considers medical or psychological treatment to include the application of medical treatment or psychological treatment to cure a disease or condition or, to treat and resolve physical or psychological injury or discomfort.

In all cases, you should support the consumer and practise 'open disclosure' by explaining what happened and what actions you are taking to respond to the incident.

How can I find out more?

The Commission has published a suite of fact sheets relating to each type of reportable incident. To access these fact sheets and detailed guidance relating to the SIRS and incident management systems, visit agedcarequality.gov.au/sirs

Examples

What is unreasonable use of force?	What is not unreasonable use of force?
<ul style="list-style-type: none">• Any physical behaviour towards a consumer that is an offence under the law of a state or territory.• The use of unwarranted or unjustified physical force against a consumer, including any rough handling of the consumer in the delivery of care and services.• Physical force including actions such as hitting, punching, pushing, shoving, kicking, spitting, throwing objects towards consumers or making threats of physical harm.• Deliberate physical attacks or assaults on a consumer.• Incidents of non-consensual physical contact that, in isolation, may not be significant but when they occur over an extended period of time, cause harm and/or discomfort to the consumer.	<ul style="list-style-type: none">• Gently touching a consumer, for example to attract their attention or to guide them.• Gently touching a consumer to comfort them if they are distressed (where this aligns with the consumer's personal preferences).• Physical contact that has lawful justification. For example, pushing a consumer (which would otherwise amount to an unreasonable use of force) out of the way of an oncoming car that would otherwise hit them or out of the way of a falling item necessary to avoid death or serious injury to the consumer.• Gently helping a consumer into a transport vehicle or helping to buckle their seatbelt.• Gently guiding or supporting consumers when walking around the shops.

The above table is not an exhaustive list of examples – it is a guide only. You should assess each incident on an individual basis.

Last updated: 29 November 2022



Phone

1800 951 822



Web

agedcarequality.gov.au



Write

Aged Care Quality and Safety Commission
GPO Box 9819, in your capital city