



Reportable incidents: unreasonable use of force

Serious Incident Response Scheme

A fact sheet for providers of residential care and flexible care in a residential aged care setting

The Serious Incident Response Scheme (SIRS) helps prevent and reduce the risk of incidents of abuse and neglect in residential 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 about 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 3](#). 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 areas of the service
- 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- being unusually withdrawn, sad or emotional, crying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
- where there are reasonable grounds to report the incident to the police
- that involves unlawful sexual contact or inappropriate sexual conduct, the unexpected death of a consumer or a consumer's unexplained absence from the service.

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 for a Priority 1 reportable 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 continue to give the consumer support 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 about each type of reportable incident. To access these fact sheets and detailed guidance about 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"> • 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 toward consumers or making threats of physical harm • Deliberate physical attacks or assaults on a consumer • Any physical behaviour towards a consumer that is an offence under the law of a state or territory • Incidents of physical contact that in isolation may not be significant, but when they occur over an extended period of time, have an impact on the consumer 	<ul style="list-style-type: none"> • Gently touching a consumer to attract their attention or to guide them • Gently touching a consumer to comfort them if they are distressed • Accidental contact (unless it is careless or negligent) • Physical contact that has lawful justification. For example, pushing a consumer out of harm's way (such as out of the way of an oncoming car that would otherwise hit them or out of the way of a falling item) • Reasonable management or care of a consumer considering any relevant code of conduct or professional standard. For example, where a staff member is genuinely trying to assist a consumer and is acting in accordance with applicable professional standards and despite the staff member's best intentions, the consumer receives a small scratch that causes them no discomfort • Minor disagreements between consumers. For example, where one consumer taps another consumer on the hand as the result of a disagreement over a card game • Potential incidents. For example, where a consumer is prevented from harming another consumer through the intervention of a staff member or another person

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

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