

5.1.8 Incidents – General

Legislation

England

Care Act 2014

Health and Social Care Act 2008 (Regulated Activities) Regulations 2014

Care Quality Commission (Registration) Regulations

The Children's Homes (England) Regulations 2015

Regulation 2: Interpretation

Regulation 12: The Protection of Children Standard

Wales

Social Services and Well-being (Wales) Act 2014

The Regulated Services (Service Providers and Responsible Individuals) (Wales) (Amendment) Regulations 2019 (RISCA)

Statutory Guidance to Parts 3 to 20 of RISCA Regs 2018

Regs:

27: Safeguarding Policies and Procedures

29: The Appropriate Use of Control and Restraint

37: Compliance with Employers Code of Practice.

59: Records

60: Notifications

77: Duty to ensure there are systems in place to record incidents and complaints

78: Duty to ensure there are systems in place for the keeping of records

83: Duty of Candour

84: Notifications (RI Responsibilities)

Relevant Policies

See table under Definition of Incident

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1. Definition of Incident

The following are defined as incidents, but this list is not exhaustive. Any similar occurrences can be defined by a Manager as an incident, and recorded as such.

It is recommended that these policies and procedures are consulted for clarification of what constitutes an Incident in each case. 00 = No procedure reference

Offending and Anti-Social Behaviour – Guidance on when to Involve the Police Procedure	Physical Assault or violence caused to a child or member of staff/carer
00	Injury, of a serious nature, caused to a member of the public by a child or staff/carer
Accidents	Accident, of a serious nature, caused to a member of the public child or staff/carer
Barricading Procedure	Barricading by children resulting in forced entry by staff/carer or the Police
Offending and Anti-Social Behaviour – Guidance on when to Involve the Police Procedure	Damage, of a serious nature, caused maliciously or non-accidentally
Drugs and Substance Misuse Procedure	Illegal access/possession of controlled drugs or substances
Understanding and Managing Self-Harming Behaviours	Self-harming, of a serious or persistent nature
Suicide Prevention	Suicide, attempted suicide or death of a child
Searching Children and their Belongings Procedure	Searches of a child or a child's belongings without the child's permission
Countering Bullying Procedure	Bullying, of a persistent or serious nature
Managing Behaviours Policy	Physical Intervention upon a child
Offending and Anti-Social Behaviour – Guidance on when to Involve the Police	Police or other emergency services being notified or attending an incident

Procedure	
	Any other event/occurrence determined by a Manager as an Incident

2. Notifications

If an Incident occurs, the Manager and child's social worker must be notified within one working day or as soon as practicable thereafter.

The child's social worker must decide whether to notify the parent(s) and who should undertake this task.

Where Incidents are serious, e.g. where the Police are called, senior managers and other agencies must be notified. For more information see **Delegated Authorities and Notifiable Events**

3. Incident Recording

3.1 Which Records must be completed

Different records must be completed, depending on the seriousness of the Incident.

All Incidents resulting in PHYSICAL INTERVENTION: (Defined in Keywords Appendix and Managing Behaviours Policy).

Note the Incident in the home's Daily Log, Central Incident Log, Physical Intervention Appendix and relevant child's Personal Plan and WISL. Record the Incident in detail in an Incident Report. If injuries occur, also complete relevant Accident or Health Care Records.

All other Incidents, including those involving PHYSICAL INTERVENTIONS (See Managing Behaviours Policy).

Note the Incident in the Incident Log, Central Incident Log, Home's Daily Log and relevant child's Personal Plan and WISL, record the Incident in detail in an Incident Report.

3.2 When to Complete the Records

Unless stated differently in procedures contained in this manual, records pertaining to incidents must be completed within 24 hours. However, it is advisable that staff do not complete records immediately after an incident, but wait until they can calmly recollect and reflect on what happened.

If an incident leads to, or is followed by, the absence of the person responsible for completing records due to leave, sickness, rostered rest days, it is normally reasonable to expect that person to complete the records before leaving. If exceptional circumstances, such as hospitalisation, prevent this from happening, the Manager must arrange for the records to be completed as accurately as possible in another way.

Before completing records, it may be helpful to talk to others involved to help recollect events, but staff/carers should avoid having suggestions put to them that are inaccurate or inconsistent with what they did or observed.

3.3 Who Should Complete the Records

The Carer most significantly involved should complete the records, after consulting any other Carers concerned; except where there is any risk that a Complaint, child protection or criminal investigation will be made. In which case each person must write his or her own record. Separate records must also be completed if there is significant difference or dispute between staff on what occurred.

3.4 Guidance on Completion of Incident Records

The following must be taken account of when completing these records:

See **Policy, Values and Principles Procedure**.

This is additional guidance in relation to Incident Reports.

- a. Write down what happened in chronological order;
- b. Don't express opinions and don't make assumptions about what happened;
- c. If you are writing the report on behalf of others make sure you check and report their versions, not what you think they said or did;
- d. Differences of opinion, recollection or knowledge must be accurately recorded;
- e. Always use full names. If the common name for a person is an alias or nickname, always put the person's full name in brackets the first time you use the alias;
- f. Always indicate, in brackets, the status of the person named (e.g. Foster Carer, Care Practitioner, Support Worker, Child);
- g. Avoid the use of jargon or professional terms unless you are confident they will be known to everyone reading the report;

- h. Don't use generalisations such as "aggressive", "Verbal" or "offensive"; using plain English, write down exactly what was said or done, and by whom;
- i. State clearly what diversionary tactics or strategies were used, and by whom; also state the impact or changes the tactics brought about;
- j. If **Physical Intervention** was used, state the name of the technique used; if the technique has no name, describe the intervention rather than saying "He was held or restrained";
- k. Also state who used the intervention, the duration it was used and what was said and done during the intervention until the child was released;
- l. If more than one physical intervention was used, state the order they were used in - and why it was necessary to escalate or reduce the intervention;
- m. If there are particular techniques used give their technical names and say in what order they were used;
- n. The child should be asked to note or add to the report his/her own version if it is different to that which the carers recollect - if necessary the child should be given support by a person, who was not involved, to do this;
- o. Complete all sections. Don't leave sections blank or any significant spaces. If you have nothing to report in a section, either draw a line through it, put N/A or (for example, in the section on injuries) "No Injuries". Alternatively strike a line through the space;
- p. Always sign and date it and make sure other Carers do the same before you pass it to the manager.

If you have any concerns about your own or other people's actions or decisions you must discuss them with the manager as soon after the incident as possible.

If you feel uncomfortable or uneasy about returning to work also talk to a manager

4. Home Manager Responsibilities

4.1 Prevention of Incidents

1. Managers must ensure carers are familiar with relevant procedures; using creative and interesting methods to bring procedures to their attention, discussing them in supervision sessions and meetings, undertaking role plays etc.;

2. If procedures appear to require updating or amendment, including the way in which incidents are recorded, the matter must be followed up with line management;
3. Carers are required to do all they can to contact managers if they anticipate an incident or immediately afterwards if they did not. If, for whatever reason, managers are not likely to be available, they should ensure suitable contact arrangements are in place, that a colleague has been identified to provide cover or that staff/carers understand the levels of their delegated authority;
4. If manager's anticipate that an incident may occur, they must plan to reduce or prevent the risks, and they must inform staff/carers;
5. If staff inform managers that they suspect or anticipate an incident, they must be taken seriously and provided what appropriate levels of support, guidance and direction to manage situations safely;
6. If managers anticipate a serious incident which may require intervention by the police or other emergency services, consult or inform those agencies;
7. Also consult relevant social workers;
8. Keep accurate records of your contacts, conversations, decisions and actions.

4.2 Immediate Management Responsibilities

- a. When the manager is informed that an incident has occurred, the following immediate tasks should be undertaken:
 - b. Liaise/co-operate with police/emergency services if contacted; or considers whether the police or other emergency services should be contacted;
 - c. Check if anyone has been injured; ensure first aid or hospital treatment as appropriate;
 - d. If physical intervention has been used upon a child, whether or not the child was injured, s/he must be given the opportunity to see a Registered Nurse or Medical Practitioner - and the outcome recorded;
 - e. Contact; and listen to everyone involved, note what they have said, provide support and advice if necessary; but don't make judgements or take sides;
 - f. If there are Complaints or any potential Child Protection issues, follow them up in line with appropriate procedures;

See **Complaints Procedures**

See **Child and Adult Protection Procedure**

- g. Check whether there is any damage; and that it is made safe or repaired;
- h. Establish whether people need to be separated, for example if there are complaints; and take what action is necessary;
- i. Ensure those involved are recording their recollections in detail in an Incident Record. If there any conflicts between those involved of potential complaints ask each person to write a separate record. These records should normally be completed and passed to the manager within 24 hours of the incident;

See **Section 3.4, When to Complete the Records**

- j. Arrange for social worker, parents and others, including senior managers and agencies as set out in **Delegated Authorities and Notifiable Events**.

5. Management Reviews

5.1 Purpose of the Management Review

The purpose of the Management Review is to unpick the circumstances leading to the incident, the manner in which it was managed and the actions and decisions of all those involved - with a view to reducing or preventing future similar incidents.

As a last resort it may be necessary to reprimand, sanction or take other disciplinary measures against a person involved; but the review should never be conducted in the context of trying to blame those involved.

Everyone involved, staff and children alike, will have been affected, probably negatively; some may have been traumatised.

Don't look to catch people out, seek to help people learn from what has happened.

Take a positive, developmental stance throughout, even if things could have been done differently.

5.2 Who Should Undertake the Management Review

The manager should undertake the review, unless directly involved or as required by a Line Manager.

5.3 Timescales

Under normal circumstances, the Manager must review the incident within the following timescales

Physical Interventions	Within 3 working days of the Incident Record being completed by staff.
All other Incidents:	Within 5 working days of the Incident Record being completed by Carers.

If there are Police, Child Protection or Complaints investigations, the review should be postponed until they are complete.

5.4 Gather Information

1. Don't make judgements early on, don't take sides;
2. Start from the point of view of seeking to learn from what has happened;
3. Involve everyone involved, including the child, at all stages. Inform them of the anticipated timescales;
4. Listen, note, explore; try to identify the circumstances or behaviours which triggered the incident;
5. Analyse the extent to which everyone adhered to procedures or recognised good practice; were people working effectively together, were they planning ahead, sharing information, doing what they could to anticipate and prevent the incident from occurring?
6. Read the records of the incident, clarify and challenge if necessary generalisations, assumptions, justifications etc. Unpick and simplify jargon;
7. If Physical Intervention or other physical intervention was used, ensure staff are able to demonstrate they applied it in keeping with procedures and guidance;
8. Did everyone appear to behave reasonably in the circumstances? To what extent was the child (or Carers) set up by the actions of others; did anyone act in a way which provoked or increased the likelihood of the incident;
9. Look beyond that which is stated in the record of the incident; what hasn't been included which should have been in the circumstances;
10. If anyone was injured, check and note the outcome of any first aid or medical treatment offered/given;
11. If physical intervention was used upon a child, whether or not the child was injured, check and note the outcome of any first aid or medical treatment offered/given;

12. Obtain views from everyone involved about whether the incident was managed as required by procedures or in line with recognised good practice;
13. Consult and keep your Line Manager informed if required to do so, if the review is complex or potentially controversial or if you need assistance/support.

5.5 Consider information

1. Remain objective, stay positive, look for developmental outcomes. Only consider sanction or consequences as last resort;
2. Balance what actually happened against what was required by procedure, recognised good practice or in the light of staff experience, skills and knowledge;
3. Consider how the child acted in the light of his/her background, skills, knowledge;
4. Consider your own interests and needs; look at the role you played; or should have played; be open to criticism;
5. Get help if you need it; consult your Line Manager, especially if policy or other decisions outside your brief are required;
6. Consider whether there are any training or other support mechanisms which ought to be put in place for staff - or for yourself. Is there a need for specialist help or support/counselling?
7. Consult the social worker; consider whether any changes are required to the child's My Life/Personal Plan; including new or amended expectations, strategies or interventions to help reduce or prevent the likelihood of a repeated incident. Is there a need for specialist or therapeutic help or support/counselling;
8. Come to a decision, which can be sustained - which can be put into practice;
9. Avoid 'punishing' or looking to blame. Seek outcomes that are encouraging and developmental

If changes are required to the child's My Life/Personal Plan, the Manager must co-ordinate these changes; which may mean undertaking a Placement Review.

5.6 Debrief and Support

Make sure everyone is informed of the outcome, and is given the opportunity to make comment.

Having undertaken the management review, the Home Manager must ensure that all concerned do not have unresolved feelings, guilt or other concerns about their own behaviour or other people.

In some circumstances it may be necessary for the Home Manager to ask an independent consultant or counsellor to provide assistance; especially if there are indications of post traumatic disorder.

The emphasis must be on everyone learning for the future - and reducing or preventing similar incidents from occurring.

It may also be appropriate for all concerned, including the child if it would be beneficial, to meet and discuss what happened.

If there are any policy, procedural or practice issues which individuals or whole teams can benefit from the Home Manager must follow them up.

The Manager must record the outcome on the Incident Record.

Revision History

Date last updated: August 2020

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End