

## Complaint to police (Staff complaint)

### Purpose

To outline the process for a staff member who wishes to lay a complaint with the police.

### Policy

SMHS acknowledges the right of a staff member to lay a complaint with the police.

In order to protect staff from the possibility of threats or danger, staff members' personal addresses and phone numbers will not be given or recorded on any communication with the police.

### Scope

This policy applies when a staff member, while on duty, has been adversely affected by an incident or their property damaged or lost.

### Supporting documentation

#### *Legislation and standards*

Health & Safety in Employment Act, 1992

Mental Health (Compulsory Assessment & Treatment) Act 1992

Guidelines for Reducing Violence in Mental Health, Ministry of Health (1995)

NZ Standard, Health and Disability Services (General) Standard. NZS 8134: 2008

#### *CDHB Policies and Procedures*

Legal and Quality manual

- Incident Management

### Associated forms

Letter of Complaint to Police (MHS0103)

Contact Details form for a Complaint to Police (MHS0107)

Incident Report Form (ref: 1077)

Staff Accident Report Form (ref: 0620)

---

This document is to be viewed on the SMHS intranet.

Printed copies should not be used on subsequent occasions, as content may not reflect the current version.

## Complaint to police process

Following an incident the safety, treatment and support needs of the consumer, staff members and others must be met. Usual reporting processes for incidents and accidents apply.

If, following a Clinical Incident Review a staff member wishes to complain to the police, the staff member completes a 'Letter of Complaint to the Police'.

If the clinical team considers that a complaint is warranted, they will encourage and support the staff member to complain to police.

If the staff member does not wish to complain or write a statement, the clinical team will not pursue the matter.

The Clinical Manager or Charge Nurse Manager will identify the staff member's support needs throughout complaint processes and ensure these are met.

The Clinical Manager or Charge Nurse Manager faxes the complaint letter to the police, then telephones to inform the police of the complaint and confirm receipt of the fax.

## Consumer subject of a complaint to the police

Where a consumer's actions have resulted in harm to a staff member or, loss or damage to their property, the consumer will continue to be treated with the care and consideration while the allegation is investigated.

If a consumer is suspected, they must be clinically assessed and a Clinical Incident Review undertaken. Processes and outcomes will be documented in the clinical notes.

- Ideally the clinical assessment would be on the same day as the incident and undertaken by the Consultant Psychiatrist (or delegate, or Duty Registrar after hours) in consultation with multidisciplinary team.
- Community services will identify a clinician(s) to carry out the assessment if the consumer's Consultant Psychiatrist is not readily available. If the consumer refuses to undergo an evaluation, the nature and seriousness of the incident will determine the safest most appropriate course of action. For example, DAO (for Mental Health Act processes) or police assistance.

Responsibility for ensuring the consumer's support needs are identified and met will be appropriately delegated to a staff member.

The Clinical Manager, Charge Nurse Manager or their delegate informs the consumer that a complaint has been made to the police and sends the consumer a formal letter.

---

This document is to be viewed on the SMHS intranet.

Printed copies should not be used on subsequent occasions, as content may not reflect the current version.

The consumer's family (with permission) must be informed if a complaint is made to the police.

The consumer must be advised about the advocacy services available and their right to legal representation. Staff assistance may be needed to ensure the consumer receives these services.

If the consumer is required to attend court, the Clinical Manager or Charge Nurse Manager will inform the Court Liaison Nurse before the appearance date.

### **Protecting the staff member's identity**

Progress notes regarding the incident and complaint will not identify the staff member.

Staff making a complaint or those involved in a police investigation may make contact arrangements with the police as they feel appropriate including giving:

- The Clinical Manager or Charge Nurse Manager's work telephone number for in hours contact and,
- Duty Nurse Manager's work telephone number for after hours contact.

The staff member may give their home contact details if they wish but the Clinical Manager or Charge Nurse Manager must be advised.

To ensure that the police are able to contact the staff member at any time, the Clinical Manager or Charge Nurse Manager completes a "Contact Details" form and sends it to the Duty Nurse Manager.

The Duty Nurse Manager retains the form in the 'Complaint to Police' folder, which is stored in a locked filing cabinet in the Duty Nurse Manager's office.

The Clinical Manager or Charge Nurse Manager retains and securely stores the original forms for the duration of any investigation. When the complaint and investigation is complete the Clinical Manager or Charge Nurse Manager ensures that the Contact Details forms are destroyed.

### **Police investigation**

Once a complaint has been made, the police will investigate and decide whether charges will be laid. The police may consider alternatives if the consumer is very unwell and may be adversely affected by a criminal charge. This will require discussion with senior staff including the Clinical Director of the area.

---

**This document is to be viewed on the SMHS intranet.**

**Printed copies should not be used on subsequent occasions, as content may not reflect the current version.**

The Clinical Manager or Charge Nurse Manager will liaise with the police. Requests for information will be relayed by the Clinical Manager or Charge Nurse Manager.

The Clinical Manager or Charge Nurse Manager will ensure the staff member is informed of the outcome of the police investigation.

## **Court appearance**

If a staff member is required to appear as a witness, they should use their work address and phone number rather than their personal details.

The Clinical Manager or Charge Nurse Manager advises the Court Liaison Nurse ahead of a court appearance.

The Clinical Manager or Charge Nurse Manager will ensure the staff member is accompanied to court and supported during and after their appearance. A formal debriefing will be offered after the court appearance.

When the complaint procedure and investigation are complete, the Clinical Manager or Charge Nurse Manager ensures that both copies of the 'Contact Details' form are destroyed.

The original letter of complaint is returned to the staff member involved.

---

**This document is to be viewed on the SMHS intranet.**

**Printed copies should not be used on subsequent occasions, as content may not reflect the current version.**