**Australian government coat of arms and DES logo**

# Servicing Participants with Challenging Behaviours Guidelines

**V1.1**

**Disclaimer**  
This document is not a stand-alone document and does not contain the entirety of Disability Employment Services Providers' obligations. It should be read in conjunction with the Disability Employment Services Grant Agreement and any relevant guidelines or reference material issued by the Department of Social Services under or in connection with the Disability Employment Services Grant Agreement.

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**Servicing Participants with Challenging Behaviours Guidelines**

### Document Change History

| **Version** | **Effective Date** | **End Date** | **Change & Location** |
| --- | --- | --- | --- |
| 1.1 | 3 December 2018 |  | Change of terminology from Account Manager to Relationship Manager to reflect Direction No: 2. |
| 1.0 | 1 July 2018 | 2 December 2018 | Original version of document |

### Background

This Guideline provides information for DES Providers on the servicing of Participants with challenging behaviours. It also sets out requirements for the lodgement of job seeker incident reports (JSIR) in the Department’s IT Systems.

DES Providers need to adapt the strategies that are outlined here to suit their particular circumstances. This Guideline shouldsupplement, not replace, existing internal operational policies and procedures.

DES Providers are responsible for informing themselves of their legal obligations and taking appropriate measures to comply with obligations.

### Disability Employment Services Grant Agreement Clauses:

Clause 75.1(a) – Compliance with laws and government policies.

Clause 80.1 – Provision of Program Services

Clause 106 – General requirements for a Job Plan

### Explanatory Note:

All capitalised terms have the same meaning as in Disability Employment Services Grant Agreement.

In this document, “must” means that compliance is mandatory and “should” means that compliance represents best practice.

### Policy Intent

The aim of the policy is to provide DES Providers with guidance on how to continue to deliver services to Participants with challenging behaviours without risking their staff or property, while ensuring that Participants meet their Mutual Obligation/Compulsory participation Requirements. This Guideline assists DES Providers to identify and report challenging behaviours that Participants may display.

### What constitutes a Participant with challenging behaviours?

Challenging behaviours refers to behaviour by Participants that any reasonable person would consider unacceptable or hostile, that creates an intimidating, frightening, offensive or physically dangerous situation in the workplace or other location.

Challenging behaviours may include but are not limited to the following:

* physical violence against a person such as hitting, kicking, punching, spitting on or throwing objects at a person;
* acting in a way that would cause a person to have a reasonable belief that assault was intended;
* adopting a physical position or state and/or producing an object that a reasonable person would consider the action constitutes a serious and imminent threat of physical violence;
* oral or written (including email or communication through social media) threats;
* abuse or harassment, inappropriate touching or stalking staff members;
* damaging, defacing or destroying property intentionally or through inappropriate and aggressive behaviour, such as throwing objects or punching and kicking property;
* theft of property, illicit drug taking on DES Provider premises, use of DES Provider equipment and/or property for illegal purposes;
* swearing; making offensive noises or gestures; inappropriate or suggestive comments or vilification;
* threatening suicide, or causing injury to oneself, for example cutting; or
* any other behaviour that is deemed inappropriate and warrants an incident being recorded.

### Servicing Participants with Challenging Behaviours Guidelines

| **Who is Responsible:** | **What is Required:** |
| --- | --- |
| **1. The Provider**  **Incident Management**  *Disability Employment Services Grant Agreement Clauses References:*   * Clause 75.1(a) * Clause 80.1 | General considerations The Department acknowledges that DES Providers have a wide variety of expertise and arrangements to address Participants with challenging behaviours and those strategies will differ between DES Providers and sites. The circumstances that result in incidences of challenging behaviour may be unique and there may be a number and range of contributory factors.  **Incident Management Plan**  DES Providers should have an incident management plan in place, which outlines the organisation’s approach to managing situations where Participants display challenging behaviours, or where staff identify that a situation has the potential to result in such behaviour. This plan should be in writing and accessible to all staff. |
| **2. The Provider/the Department**  **Reporting of incidents**  *Disability Employment Services Grant Agreement Clauses References:*   * Clause 75.1(a) * Clause 80.1 | It is important that DES Providers utilise the Incident Report screen in the Department’s IT Systems to record all instances where a Participant exhibits challenging behaviour. The recording of incidents can inform staff of the potential of further incidents occurring and can also assist in future servicing arrangements. It is also important to record incidents appropriately so if the Participant is transferred to another site or DES Provider, the new site or DES Provider is aware of the challenging behaviour and can arrange to service the Participant accordingly.  Note: Under the Freedom of Information Act 1982 (FOI Act), a person has the right (with limited exceptions) to access information or documents held by the Department. |
| **3. The Provider**  **Immediate notification requirement**  *Disability Employment Services Grant Agreement Clauses References:*   * Clause 75.1(a) * Clause 80.1 | Where an incident has occurred and the DES Provider has reason to believe that the job seeker displaying threatening, aggressive or violent behaviour poses an imminent threat to another office (service DES Provider or the Department of Human Services (DHS) office), they should immediately telephone that office to advise them of the situation. |
| **4. The Provider/the Department**  **Incident reports**  *Disability Employment Services Grant Agreement Clauses References:*   * Clause 75.1(a) * Clause 80.1 | Incident reports are intended to record and inform DES Providers of the potential for further incidents, and to support compliance measures where relevant.  **Incident report level**  There are three levels of incident report levels for DES Providers when recording an incident in the Department’s IT System:   * **ES Level 1** – No police involvement but recorded to inform a pattern of behaviour. * **ES Level 2** – Police were contacted and/or attended but the Participant was not threatening or being aggressive or violent (could include theft, inappropriate behaviour). * **ES Level 3** – Police attended and there is threatening, aggressive or violent behaviour by the Participant.   If a Participant has a Departmental- created Level 3 incident recorded on their record, they cannot be transferred to another DES Provider without the involvement of the Employment Systems Help Desk or a Departmental Relationship Manager/or the Relationship Manager’s delegate, who can authorise the transfer.  Note: DES Providers can also use ESSWeb to view incident reports lodged by DHS. Those incident reports are recorded at the following four levels:   * **Level 1** – Incidents where a DHS Customer Service Officer believes they have been abused - no warning letter is issued to the customer if only verbal abuse. * **Level 2** – A warning letter will be issued indicating that further inappropriate behaviour may result in alternative servicing arrangements. * **Level 3** – Repeated inappropriate/aggressive behaviour where alternative servicing arrangements may be required. * **Level 4** – Serious incidents where restricted servicing arrangements may be required.   NEIS Providers do not have this functionality in the Department’s IT Systems. When a job seeker is referred by a DES Provider to NEIS, the DES Provider should disclose current relevant incident reports recorded against the Participant. |
| **5. The Provider**  **Case Management for Challenging Behaviours**  *Disability Employment Services Grant Agreement Clauses References:*   * Clause 75.1(a) * Clause 80.1 * Clause 106 | **Warnings**  Warnings should be given to Participants who show tendencies toward, or display challenging behaviour, toward other Participants or personnel in order that Participants are aware of the consequences of their behaviour. Warnings may be verbal or in writing. Any warnings given to a Participant should be recorded on the comments screen on the Participant’s record in the Department’s IT Systems.  **Case Management Plan**  If a serious incident has occurred, the DES Provider needs to assess how they will continue to service and assist the Participant.  A Case Management Plan should be created for any Participant that exhibits challenging behaviours.  A Case Management Plan applies only to those Participants who have a service restriction applied to them. If a service restriction is applied to any Participant, a Case Management Plan must be created for that person. Minimum contacts need to be maintained, Mutual Obligation and participation requirements must be met, and the terms of the Participant’s Job Plan must be adhered to.  Any non-vocational barriers identified as a result of the incident should be addressed. If the Job Plan needs to be adjusted to include new activities, then the Participant will need to sign the Job Plan as per standard requirement.  If the DES Provider takes these steps and the Participant does not return the signed Job Plan by the notified date, then a Participation Report can be submitted for refusing to enter into a Job Plan. It is important for the DES Provider to document any due diligence that is exercised (particularly the additional notification and reasonable timeframe given) when submitting a Participation Report to DHS.  DES Providers should speak to their relevant Relationship Manager/or the Relationship Manager’s delegate in the course of creating and maintaining a Case Management Plan.  **Temporary service restrictions**  If warnings do not have the effect of improving the behaviour of a Participant who has shown tendencies toward others or exhibited challenging behaviour (whether that be a single significant incident or a series of incidents), then restricted Participant access to a site may be applied for up to six months. Prior to implementing a service restriction, the DES Provider must discuss the case with their relevant Relationship Manager/or the Relationship Manager’s delegate.  Where a temporary service restriction is applied and the Participant is not permitted to attend a DES Provider’s premises, alternative arrangements may be considered. In exceptional circumstances, DES Providers may negotiate a Job Plan with a Participant via phone or video conference contact. A copy of the Job Plan should then be sent to the Participant via mail, with a stamped, self-addressed return envelope included and an additional notification that states the date that the Participant is required to sign and return the Job Plan to the DES Provider. The return date should also take into account reasonable notice – that is, taking into account the mail delivery time from the DES Provider to the Participant’s address and vice versa, and also allowing reasonable ‘think time’ for the Participant (usually 48 hours).  During a period of restricted service, a DES Provider may, for example, provide access between certain times only, or service the Participant by telephone, video conference, email or post.  Where the option of restricting access to a site is to be applied, DES Providers must:   * Record all restrictions on the Restricted Service Arrangement Screen on the Participant’s record in the Department’s IT Systems. Details should include the type of restriction, the primary contact and the start and end date of the service restriction; * Write to or email the Participant to inform them of the service restrictions that have been applied, the duration of the restrictions, the way in which they will receive assistance during the period of restriction, and their continuing obligations to fully satisfy their Mutual Obligations /Compulsory participation Requirements; * Regularly review restricted service arrangements to ensure they are appropriate and invite the Participant to contribute to the review; * Keep documentary evidence of warnings and service restrictions as these may be needed to support the transfer of the Participant from the DES Provider’s caseload, as appropriate.   If a Participant who has had a restricted service arrangement is transferred to another employment services DES Provider, the receiving employment services DES Provider will be able to view incident reports and restricted service arrangements information created by the transferring employment services DES Provider. This information can be viewed by the new employment services DES Provider for 12 months from the date of the restricted service arrangement.  Note: A restricted service arrangement is not transferred with the job seeker (it will end before the transfer takes place).  **Post temporary service restriction**  It is important to consider and record in the client’s Case Management Plan how the Participant will be serviced after a temporary service restriction has been lifted. Consideration should be given to what ongoing measures will be implemented to ensure Participant compliance and improved behaviour. |
| **6.The Provider**  **Incident report screen in the Department’s IT Systems**  *Disability Employment Services Grant Agreement Clauses References:*   * Clause 75.1(a) * Clause 80.1 | Where a request for transfer is made for a job seeker with an ES Level 3 incident report, DES Providers should contact the Employment Systems Help Desk on 1300 305 520 to facilitate a transfer where agreement has been reached by all parties, or the Department of Social Services Relationship Manager/or the Relationship Manager’s delegate who can authorise the request for the transfer.  The Job Seeker Incident Alert in the Department’s IT Systems displays the number of active incident reports recorded against a job seeker in the previous 12 months, providing a visual indicator of potential risk. The incident alert is activated at the time the user selects the job seeker’s record, and will display (if in place) the existence of a restricted service arrangement.  The number of active incident reports includes both those created by DES Providers and those created by DHS. |