



Reporting an Incident of Workplace Aggression or Violence to the WA Police Guideline

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1. Purpose

This information has been prepared to help staff make an informed decision about reporting an incident of workplace violence or aggression to the police.

You are encouraged to read this information before you contact the police as it will provide you with a clear understanding of the end-to-end process, including what is required of you and/or others, the support which is available to you, and anticipated timeframes.

Acknowledgement

WACHS wishes to thank and acknowledge the significant contribution made by East Metro Health Service and the WA Police in the development of this document.

Defining an Incident of Occupational Violence

The Victorian Auditor General's Report 2015 - [Occupational Violence against Healthcare Workers](#) defines an incident of violence as:

"Any incident where an employee is abused, threatened, or assaulted in circumstances arising out of, or in the course of, their employment. Examples of occupational violence include, but are not limited to, verbal, physical or psychological abuse, threats, spitting, biting, throwing objects, racial vilification, sexual harassment, or any form of indecent physical conduct. It can be perpetrated by patients, relatives, members of the public, and other employees."

2. Guideline

2.1 Deciding whether to Report an Incident to the Police

If I have been subjected to workplace violence or aggression, can I take this to the police?

Yes, where intentional violent or aggressive behaviour has been experienced you have the right to report this to the police.

By talking to the police, am I having someone charged?

When you report an incident to the police you are providing a statement relating to an incident. This does not mean you are laying charges against someone.

The police may conduct a thorough investigation before determining whether the accused will be charged. However, the police will only proceed with a prosecution if the complainant (you, if you are the victim), is willing to assist the investigation.

If the complainant does not want to proceed, it is unlikely an investigation would be undertaken by the police.

What if I experienced verbal abuse, should I still consider going to the police?

It is a criminal offence if the verbal abuse is racially motivated and directed towards you, or if a threat or an attempted threat to cause physical harm has been made against you.

If someone's behaviour is considered to be anti-social, the police can be called to remove a person from the premises. However, this then becomes an offence against the State, rather than an individual, and the person could be charged by police with disorderly conduct.

How soon after the incident do I have to report an incident to the police?

There is no statutory limitation as to when you must report an incident. However, it is beneficial to report an incident while you still have a clear recall of events e.g., within 24-48hrs. This is also useful so that any witnesses identified are able to provide an accurate account of events.

Is it worth reporting an incident if there wasn't any closed-circuit television (CCTV) footage or witnesses?

Yes. Once the police have gathered and analysed all the evidence, they will make a judgement call on whether there is sufficient evidence to prosecute. This evidence can include:

- the level of clarity and detail you were able to provide when reporting the incident
- medical records, including photographs of injuries you sustained to corroborate your report
- your own eyewitness testimony
- any other eyewitness testimony
- evidence that you logged the incident in relevant internal reporting systems, [Safety Risk Report Form](#) (SRRF), and that in all reporting systems your statement is consistent.

Does my manager have to be notified and agree to me reporting the incident to the police?

The police do not require you to notify your manager or employer. WACHS requires that you inform your manager/supervisor of the incident through a SRRF and advise them that you have reported the incident to the police. This will ensure your manager is available to support you through the process and provide any follow up that is required.

Can I still report an incident if the person has a mental illness or is cognitively impaired?

Reports can be still made to the police, regardless of the alleged offender's state of mind, and the police will conduct appropriate investigations to establish if a prosecution should proceed.

It is up to the defendant to prove their inability to plead due to mental state ([Criminal Law \(Mentally Impaired Accused\) Act 1996](#) (WA)) to the court. Being under the influence of alcohol and/or drugs is not a defence. Being certified with a mental illness or incapacity could be a defence. However, this must be proven by the defendant.

Do I need to record the incident anywhere else?

In accordance with the WACHS [Hazard Incident Management Procedure](#), all staff are required to report incidents in a SRRF when it is an incident affecting staff or patients.

All official recordings of an incident on internal reporting systems are encouraged and can be used as official records which could be disclosed in court.

Ensure that your statement to police is consistent with the statement lodged on any internal reporting systems. Discrepancies between records and statements are common reasons why people have avoided being charged or found guilty of an offence.

Can I report an incident to police during work time?

Yes, please discuss reporting with your supervisor/manager who will make appropriate arrangements for you to be able to report the incident to the police.

2.2 Reporting an Incident

How do I report an incident to the police?

There are a number of ways you can report an incident to the police:

- at the time of the event:
 - Every incident is different. If police attend the incident, you can discuss with them whether there is an opportunity to provide your statement at that time.
 - Please be aware that this process may be lengthy depending on the nature of the incident and what is required of the police.
- after the event
 - If, at a later date you wish to report an incident you can do so at any police station, it does not have to be the police station closest to the hospital.

Make an appointment

It is advisable to ring the police station first on 131 444 and ask whether you can make an appointment to come in and report an incident. If that is an option at that station, they will be happy to accommodate you.

Walk-in

You can walk into any police station and ask to report an incident. However, please be aware, depending on factors such as the time of day, other demands or priorities police are attending to, you may be required to wait several hours before someone can meet with you.

What information will the police need from me?

Anything that can be provided to the police upfront which helps streamline the gathering of evidence will help police in undertaking a prompt investigation. Where available, the types of information which will assist police in their enquiry, and which may be required should the matter go to court include:

- CCTV footage, which is only released under the [Freedom of Information \(FOI\)](#) legislation or via an Order to Produce (OTP) from the police

- details such as name and contact information of the accused
- details of the accused, such as medical records cannot be released unless:
 - the patient consents to it and it is then released under the [FOI](#) legislation; or
 - if patient does not consent, then the police will be required to issue an OTP, or a Subpoena from the court
- names and contact details of any witnesses
- copies of incident reports lodged on any internal systems, or internal statements made internal reports such as SRRFs can be released by:
 - agreement with those involved - and - with permission of FOI Office
 - the police making an application under the [FOI](#) legislation
- medical records relating to your injuries including photographs of the injuries sustained (if relevant).

How much information can I give the police about the person I am reporting?

In addition to the above, in the event of a police investigation, the police will issue an Order to Produce under section 53 of the [Criminal Investigation Act 2006](#) (WA). This gives the police broad powers to access all information.

What information will police need from other sources such as witnesses?

The more evidence you can provide the police in support of the incident the better.

While it is not necessary, it is advisable to ask people whether they are willing to be a witness and then request their name and contact details which you will provide to the police when you report the incident. If the police believe it is necessary, they will then contact these witnesses and ask them to come into a police station to make a statement. They will be provided with the incident report number and can go into any police station to provide their statement. If more suitable, police can arrange to attend a person's residence or place of employment to obtain a witness statement

In the event the police attend the incident they may approach witnesses directly and take their details for follow-up at a later stage.

If I know the name or contact number of a witness, do I need to ask them for their permission before I provide their details to the police?

No, however the police would prefer to deal with willing witnesses. What is important is that you obtained their details legally, i.e., you cannot access information which would see you in breach of WACHS policies or guidelines.

What happens if a witness does not want to give a statement to police or have their name provided to the police?

The witness does not have to provide police with a statement. The police will always review the evidence provided first to determine if they need to pursue witnesses. In serious cases only, there may need to be deposition hearings. These take place outside of court. The witness is asked a series of questions about facts and events related to the incident to assist in the gathering of evidence.

If there's more than one staff member reporting the same incident, do they have to lodge separate incident reports?

If there are two or more complainants reporting the same incident, then the complaints will be joined into the one prosecution. Each staff member will be interviewed separately and can still go to any police station to be interviewed.

Will my details remain confidential from the person I am reporting to the police?

Your name and place of work will be disclosed to the defence; however, your address or other contact information is not disclosed.

How will I be contacted if the police need more details?

The police will contact you directly, according to whatever contact information you have provided them with. It is advisable to provide them with multiple contact options to assist them in their follow up.

What if the police officer I report my incident to is dismissive?

The police officer is obliged to take your statement. It is important that you are provided with an incident report number. If this is not offered to you once your statement has been finalised, please ensure to ask for it. This number will need to be quoted if you are making any follow up enquiries with police.

Please note: the incident report number can only be used by the person who has reported the incident and cannot be quoted by a third party seeking information from police on your behalf.

2.3 Supporting You in Reporting an Incident

Can I ask for someone from work, a family member or friend to come with me as support when I report an incident?

Yes, however that person must not be a witness to the incident and cannot lead your responses in any way.

Who in the Hospital will help me to gather the information I need for the police?

In the first instance, discuss the requirement for information with your manager who will then be able to assist you.

2.4 After You have Provided Your Incident Report

Do I receive notification from the police of the progress of the investigation?

You are encouraged to communicate with police at any time. The police customer service standards aim to keep the complainant advised of the progress of their investigation. However, workload demands and resourcing means that this can be a challenge for police. The police recognise that they are not always able to meet expectations relating to keeping the complainant informed. Police will only discuss your complaint with you.

How long will the police investigation take, and, if appropriate, charges laid?

This will depend on a number of factors including:

- the priority given to the existing risk of the accused
- the investigative officer's caseloads
- quality and quantity of evidence provided
- cooperation of witnesses
- whether further evidence has to be gathered, and by what means (such as warrants).

As a guideline, the police aim to investigate and determine whether the accused is to be charged within 30 - 60 days. Police will investigate serious assaults and where the safety of a person is at risk as a matter of urgency.

Will the police advise me directly if a charge has been laid?

Again, the police customer service standards aim to ensure you are contacted if the accused is charged. However, if you have not heard from the police for at least 30 days, you should contact them, quoting your incident report number and request an update.

Do the police also advise my employer directly if a charge is laid?

No, police will only liaise with you directly. You are recommended to advise your manager if a charge is laid or of any impact on your capacity to work.

Will I receive details (as in the exact wording) of the charge?

Not formally. You should be advised verbally - such as "offender has been charged with assault Public Officer" or something similar.

If a charge isn't laid, does that mean there's nothing more the police can do?

In circumstances where there is evidence that your ongoing safety is at risk you can consider the option of a violence restraining order. Whether this is granted will be for a magistrate to determine. The role of the police is to investigate the criminal allegation. The completion of the investigation completes the role of police.

Any person can apply to the Magistrates Court for a Violence Restraining Order (VRO) if sufficient grounds exist. In situations where a person's misconduct has occurred on hospital premises, the hospital has an option of taking out a misconduct restraining order on an individual.

Is there anything I can do if I am not happy with the police investigation or response?

Yes, you can write to the Officer in Charge of the station where you reported your incident and ask for an internal review of the investigation to be undertaken.

2.5 When a Charge has been Laid

What happens after a charge has been laid?

The prosecution process will begin. There is no simple or definitive answer to what happens next, as this will vary depending on a range of factors.

Will I have to go to court and give evidence?

If the matter goes to trial, you may receive a summons to appear in court. You will be contacted by the arresting officer at which time you will have the opportunity to ask any questions and discuss the formal process of going to court.

Will my name and address be read out in court or given to the accused?

Your name will be read out, but your address is not provided.

How long can I expect it will take if it does go to court?

Up to 12 months, although this could take longer.

What if I or a witness does not want to go to court?

If you or a witness does not want to go to court, it is essential that you notify the investigating officer. Once a summons has been served on a witness, they are obliged to attend court, failure to do so may result in the Magistrate issuing an order to appear which may incur a penalty.

NOTE: if a witness has serious concerns about appearing then it is best that they contact the investigating officer As Soon As Possible (ASAP) to discuss this and other options.

Will the accused be held in custody until the court date?

Generally, no. An accused would only be held in custody on rare occasions based on the severity of the offence(s), and/or whether there are other criminal matters pending.

If they are not in custody, what is stopping them from approaching or threatening me?

It is normal for bail conditions to include the accused being prohibited from contacting complainant or witnesses. It is also wise to request your manager notifies security of this matter to ensure the campus is aware of any interaction that may occur.

What can I do if the accused does approach or threaten me?

You are advised to call the police on 131 444 or for urgent matters 000. A witness should contact the investigating officer ASAP for assistance.

How will I be notified of when I need to go to court?

As mentioned above, you will receive a summons providing you with details of where you must appear, on which date and at what time.

Will I need to meet with anyone before the court date to prepare as a witness?

You may have a pre-trial conference with the investigating officer prior to going to trial. Depending on where the trial is taking place, this meeting may occur a day or week beforehand, or possibly the day of the trial. Specific details relating to the pre-trial conference will be provided to you. If you need to be contacted, then you will be.

Will I need legal representation? If so, will this be provided by the hospital?

No, the State are representing and arguing your case.

2.6 Other Information

How can I find further details about WACHS' Employee Assistance Program?

WACHS has arrangements with two external Employee Assistance Program providers which are available to staff and their immediate family at no cost. Information about this service, including how you can access it, can be found by visiting the [WACHS Employee Assistance Program](#) page. Details of these two providers are as follows:

PeopleSense
1300 307 912
www.peoplesense.com.au/

Telus
1300 360 364
www.benestar.com

If you have further questions or suggestions relating to other information which could be provided to staff, please contact your manager.

2.7 Other Questions

If you have additional questions relating to reporting an incident to the police, please submit these to: WACHSIntegrity@health.wa.gov.au.

2.8 Additional Resources:

- [Occupational Violence against Healthcare Workers](#)
- WACHS [Hazard Incident Management Procedure](#)
- MP 0116/19 - [Grievance Resolution Policy](#)
- MP 0177/19 - [Prevention of Workplace Bullying Policy](#)
- MP 0125/19 - [Notifiable and Reportable Conduct Policy](#)
- WACHS [Employee Assistance Program](#)
- [Western Australia Police Force](#)
- [Crime Stoppers WA](#)

3. Roles and Responsibilities

Any **WACHS worker or contractor** is to:

- report any incident or hazard by submitting a SRRF in accordance with the WACHS [Hazard Incident Management Procedure](#)
- refer to the [2. Guideline](#), above for assistance in making an informed decision about reporting an incident of workplace violence or aggression to the police.

All staff are required to work within policies and guidelines to make sure that WACHS is a safe, equitable and positive place to be.

4. Monitoring and Evaluation

WACHS regional stakeholders are responsible for monitoring and ensuring their processes comply with this guideline. Stakeholders include, but are not limited to:

- Line Managers
- Regional Work Health and Safety Units
- WACHS Staff Health and Wellbeing Unit

Evaluation and review of this policy is to be carried out by the Work Health and Safety Department every five years.

5. References

The Victorian Auditor General's Report 2015 - [Occupational Violence against Healthcare Workers](#). April 2015. www.audit.vic.gov.au

[Criminal Law \(Mentally Impaired Accused\) Act 1996](#) (WA). www.legislation.wa.gov.au.
[Freedom of Information \(FOI\)](#). www.legislation.wa.gov.au.

Western Australia Police Force. www.police.wa.gov.au/ (from October 2024 onwards www.wa.gov.au/police)

Crime Stoppers WA. ©2024 Crime Stoppers Western Australia.
www.crimestopperswa.com.au

PeopleSense by Altius. ©2024 People Sense Pty Ltd. www.peoplesense.com.au/
Telus Health. December 2023. www.benestar.com

6. Definitions

Term	Definition
Closed-circuit television (CCTV)	A system that uses video cameras to transmit television signals to a specific location displayed on a limited set of monitors. Unlike broadcast television, where the signal is openly transmitted, CCTV operates within a more confined scope.
Order to Produce	A document issued by the court requiring a person to produce documents by a specified date and time.
Police	The civil force of a state, responsible for the prevention and detection of crime and the maintenance of public order
Safety Risk Report Form	A WACHS document to record the details of a hazard or incident.
Statement	A definite or clear expression of something in writing
Subpoena	A writ ordering a person to attend a court

Verbal Abuse	When someone repeatedly uses words to demean, frighten, or control someone.
Violence Restraining Order	An order made by the court to restrain a person from committing acts of personal violence.
Witness or Eyewitness	A person who sees an event, typically a crime or accident, take place.
Workplace Violence	Any incident where a person is abused, threatened or assaulted at work or while they are carrying out work.

7. Document Summary

Coverage	WACHS-wide
Audience	All Staff
Records Management	Non Clinical: Corporate Recordkeeping Compliance Policy
Related Legislation	Criminal Investigation Act 2006 (WA) Criminal Law (Mentally Impaired Accused) Act 1996 (WA) Freedom of Information (FOI)
Related Mandatory Policies / Frameworks	<ul style="list-style-type: none"> • MP 0116/19 Grievance Resolution Policy • MP 0125/19 Notifiable and Reportable Conduct Policy • MP 0177/19 Prevention of Workplace Bullying Policy • Work Health and Safety Framework
Related WACHS Policy Documents	<ul style="list-style-type: none"> • Closed Circuit Television Footage and Security Data Policy • Hazard Incident Management Procedure • Work Health and Safety Policy
Other Related Documents	<ul style="list-style-type: none"> • VAGO Occupational Violence against Healthcare Workers
Related Forms	<ul style="list-style-type: none"> • Safety Risk Report Form
Related Training Packages	Nil
Aboriginal Health Impact Statement Declaration (ISD)	ISD Record ID: 3111
National Safety and Quality Health Service (NSQHS) Standards	1.01, 1.10, 6.11
Aged Care Quality Standards	8.3b
Chief Psychiatrist's Standards for Clinical Care	Risk Assessment and Management

8. Document Control

Version	Published date	Current from	Summary of changes
1.00	5 September 2024	5 September 2024	<ul style="list-style-type: none"> new guideline.

9. Approval

Policy Owner	Executive Director People Capability and Culture
Co-approver	Nil
Contact	Director Work Health Safety Wellbeing
Business Unit	Work Health and Safety
EDRMS #	ED-CO-24-77670

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