

## Incident Management Policy

<b>VERSION:</b>	<b>9</b>
<b>TITLE OF AUTHOR:</b>	Director
<b>NAME OF RESPONSIBLE DIRECTOR:</b>	<b>Dr Sarita K Hamall</b>
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## Incident Management

### Introduction

This policy defines incidents including serious incidents and incidents which are reportable to the NDIS Quality and Safeguards Commission. An incident is broadly defined as:

- any event or circumstance that resulted, or could have resulted, in unintended and/or unnecessary harm to a person, or loss or damage to property
- a near miss which did not cause harm, but had the potential to do so
- a medication error involving a preventable event that may cause or lead to inappropriate medication use or harm to a participant while being supported
- any event which deviates from standard policy or procedure
- anything illegal (e.g. assault, sexual misconduct, fraud).

### Applicability

When
<ul style="list-style-type: none"> <li>• applies to supports and services provided to all participants.</li> </ul>
Who
<ul style="list-style-type: none"> <li>• applies to all representatives including key management personnel, directors, full time workers, part time workers, casual workers, contractors and volunteers.</li> </ul>

### Related Documents:

- NDIS (Incident Management and Reportable Incidents) Rules 2018
- SafeWork NSW
- Core Module – Governance and operational management – Incident management

Summary: *What are incidents, what are serious incidents, and which incidents are reportable*

Category: *Core Policies*

## Policy

### Our Commitment

- we are committed to ensure the rights of people with disability are upheld and supported
- we aim to provide a high standard of duty of care and to ensure the safety and well-being of each participant using our services, our employees and members of our community
- we will foster a culture of continuous improvement with a proactive approach to preventing incidents
- if an incident occurs, we will promptly and appropriately respond to the incident in an equitable, objective and fair manner
- we will record all incidents, report (if required) and investigate (if required)
- we will ensure the principles of procedural fairness are maintained by providing those affected an opportunity to give their side of the story and to comment on any adverse views
- we will maintain an incident management system to aid in recording, managing and resolving incidents
- the incident management policy and process is accessible to workers via the Centro ASSIST web app
- the incident management policy and process is provided to participants and stakeholders via email or hard copy during on-boarding and at any time by request.

### Organisational Responsibilities When Responding to Incidents

When responding to an incident it is the organisation's responsibility to:

- immediately respond to an incident to ensure the safety and wellbeing of participants and others at risk
- report to police (if appropriate)
- contact relevant support services e.g. sexual assault support services (if appropriate)
- preserve evidence of the incident
- notifying relevant next of kin, family or guardian (as appropriate)
- plan and undertake actions to provide ongoing support to those affected by the incident
- document key actions undertaken in an internal incident report
- record incidents in an internal incident register.

## Reporting Incidents

### Summary:

How to report to the NDIS in the event of a reportable incident.

### Description:

This process provides guidelines for reporting to the NDIS in the event of a reportable incident.

### 1. Reportable Incident?

Serious incidents that involve the following must be reported to the NDIS commissioner within 24 hours:

- the death of a participant while being supported
- serious injury of a participant while being supported
- abuse or neglect of a participant while being supported
- unlawful sexual or physical contact with, or assault of, a participant while being supported
- sexual misconduct committed against, or in the presence of, a participant while being supported, including grooming of the person for sexual activity
- the unauthorised use of a restrictive practice relating to a participant.

Any other type of serious incident, not listed above, must be reported to the NDIS commissioner within five business days.

### 2. Notify the NDIS Commission

The immediate notification form must be submitted via the [NDIS Commission Portal](#) within 24 hours of key personnel becoming aware of a reportable incident or allegation.

An exception to this rule is notifying the NDIS Commission of the use of a restrictive practice that is:

- unauthorised, or
- not in accordance with a behaviour support plan.

In these instances, the provider must notify the NDIS Commission within five business days of being made aware of the incident. Unless it resulted in harm to the participant, in which case it must be reported within 24 hours.

**[A] Decision point:** What level of reporting is required? (Reportable incident, as well as restrictive practice resulting in injury [3], Unauthorised restrictive practice [4]).

### 3. (Reportable incident [A]) - Complete Immediate Notification Form

Complete NDIS Commission: Immediate notification form (24 hours).

The immediate notification form includes a number of sections and questions, concerning:

- details of the reportable incident
- actions taken in response to the incident, and
- individuals involved in the incident.

### 4. (Unauthorised restrictive practice [A]) - Complete 5 Day Notification Form

Complete NDIS Commission: 5 day notification form.

The 5 day form must be submitted via the 'My Reportable Incidents' portal within 5 business days of key personnel becoming aware of a reportable incident. This provides additional information and actions taken by the NDIS registered provider.

**[B] Decision Point:** Did the NDIS Commission acknowledge the receipt of form? (No [Jump to *Report incident internally* process, Yes [5])

### 5. (Acknowledge receipt [B]) - Receipt Was Acknowledged

The NDIS Commission will acknowledge receipt of the forms and will commence oversight.

### 6. Provide Additional Information to the NDIS Commission

(If required) the NDIS Commission may request additional information.

### 7. Carry Out Additional Action

If the reportable incident raises a serious compliance issue, the NDIS Commission has powers to take regulatory action. Action might include requiring the provider to:

- undertake specified remedial action
- carry out an internal investigation about the incident, or
- engage an independent expert to investigate and report on the incident.

The NDIS Commission can also conduct its own investigation and take appropriate enforcement action, such as:

- issuing a compliance notice, or
- asking a court to impose a civil penalty.

## 8. Final Report

The NDIS Commission will instruct the provider to undertake an investigation and/or complete a Final Report (60 day) as deemed appropriate for the incident. The NDIS Commission will provide this form to you via email.

The providers must assess:

- the impact on the NDIS participant
- whether the incident could have been prevented
- how the incident was managed and resolved
- what, if any, changes will prevent similar events occurring
- whether other persons or bodies need to be notified.

## 9. Take Remedial Measures

Where appropriate, the NDIS Commission may require a provider to take remedial measures. The NDIS Commission may work with the provider to implement these measures and monitor progress. Remedial measures may include (but are not limited to):

- additional staff training and development
- improved services to support NDIS participants
- updating policies and procedures.

Any incident involving crimes such as assault, theft and fraud must be reported to police.

## Responsibilities of Key Management Personnel

- ensuring employees have the necessary skills to manage incidents
- recording serious incidents
- managing escalated incidents and serious incidents
- reporting serious incidents to the NDIS Quality and Safeguards Commission
- responding to any media enquiries
- investigating incidents or arranging an external investigator to investigate
- reviewing incidents and instigating improvements.

## Record Keeping

- Records of incidents must be kept for a minimum of 7 years from the date of the incident.

## Responsibilities of Workers

- resolving incidents
- recording incidents
- escalating incidents they can't resolve to key management personnel
- escalating serious incidents to key management personnel.

<p><b>Legislation this policy is based on:</b></p> <p><b>Link:</b> <a href="https://www.legislation.gov.au/Details/F2018L00633">https://www.legislation.gov.au/Details/F2018L00633</a></p> <p><b>Link:</b> <a href="https://www.safework.nsw.gov.au/">https://www.safework.nsw.gov.au/</a></p>	<p>NDIS (Incident Management and Reportable Incidents) Rules 2018</p> <p>SafeWork NSW</p>
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## Version Control Sheet

VERSION	DATE	AUTHOR	SUMMARY OF CHANGES
V9	31.07.2024	Marisa Smythe	Updated Policy with no changes
V8	30.01.2024	Marisa Smythe	Updated Policy with no changes
V7	01.08.2023	Marisa Smythe	Updated Policy with no changes
V6	23/01/2023	Sarah Miraziz – Little Star	Updated Policy with no changes
V5	12/10/2022	Sarah Miraziz – Little Star	Updated Policy with no changes
V4	06/12/2021	Casey Tarrant – Little Star	Updated Policy with no changes
V3	06/07/2021	Casey Tarrant – Little Star	Updated Policy with no changes
V2	18/01/2021	Casey Tarrant – Little Star	Updated Policy with no changes
V1 - Modified	01/07/2020	Director - Dr Sarita Hamall	Record Keeping
Created	23/04/2020	Centro Assist/ Little Star	Reporting of reportable incidents now better reflects the NDIS practice standards, and also makes it easier for organisations to understand what is required of them.