

# Reportable Incident Management Policy

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### Reportable Incident Management Policy

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## Policy Intention

This guideline is intended to provide a framework and procedures for reporting, responding and managing to the critical and reportable incidents arising in the context of Hand in Hand Home and Community Care (VIC) NDIS supports or services.

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## Policy Scope

The incident management composes of five major phases which are outlined as below:

- (a) Identification of Incident
  - (b) Incident Reporting
  - (c) Incident Investigation
  - (d) Corrective Action
  - (e) Incident Review
- 

## Phase 1: Identification of Incident

Definitions of an incident are provided below<sup>1</sup>

acts, omissions, events or circumstances that occur in connection with providing supports or services to a person with disability and which have, or could have, caused harm to the person with disability

acts by a person with disability that occur in connection with providing supports or services to the person with disability and which have caused serious harm, or a risk of serious harm, to another person, and

reportable incidents that have or are alleged to have occurred in connection with providing supports or services to a person with disability. An investigation is a formal process of collecting information to ascertain the facts, which may inform any subsequent criminal, civil, disciplinary or administrative sanctions.

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<sup>1</sup> Based on Commonwealth of Australia (Department of Social Services) data

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### A reportable incident is:

- the death of a person with disability
  - serious injury of a person with disability
  - abuse or neglect of a person with disability
  - unlawful sexual or physical contact with, or assault of, a person with disability
  - sexual misconduct committed against, or in the presence of, a person with disability, including grooming of the person for sexual activity
  - the use of an unauthorised restrictive practice in relation
- 

## Phase 2: Incident Reporting

### 5.1 Participation Details

- (a) Alleged offender of the incident
- (b) Alleged Victim of the incident
- (c) Witness of the incident
- (d) Involved person whose cannot be ascertained at the time of creating the report

## 2. Incident Details

The Incident Details must reflect the true fact and include the exact details of what occurred. The following information must be included in your Incident Report:

### **Who**

- Details of all staff involved in the incident. What was their role and what did they do at the time if incident?
- Details of all persons notified. Who and when was notified and by whom?
- Details of all external agencies notified, i.e. Police, Ambulance, School, Fire Services etc. Who and when was notified and by whom?

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**What**

- Details of exactly what happened during the incident
- What were the circumstances leading up to the incident?
- What actions were taken and by whom?

**When**

- The time each part of the incident happened
- Time of notifications to responsible personnel
- Time of attendance by external agencies

**Where**

- The physical location of each part of the incident.

**3. Who you should report the incident to:**

<b>Name</b>	<b>Role</b>	<b>Contact Details</b>	<b>Timeframe</b>
Katalin Jakus	Reporting Officer	03 9755 2387	ASAP – no longer than 24 hours following the incident.
Katalin Jakus	Team Leader	03 9755 2387	Report within 30 mins after the incident occurred

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## Reporting an Incident

Hand in Hand Home and Community Care (VIC) aims to treat all such complaints seriously, quickly and as confidentially as is reasonably possible.

If you think you are being harassed and/or bullied, you should not ignore the conduct, hoping it will go away. If you can, you should speak to the person responsible for the conduct and ask that person to stop. If you do not feel that you can do this or it does not work, you should talk to:

Katalin Jakus on 03 9755 2387.

When a reportable incident occurs, or is alleged to have occurred in connection with the NDIS supports or services we deliver, you must notify the manager and the manager (Or you if there is no manager) must notify the NDIS Commission using the [NDIS Commission Portal](#) within the required timeframes (set out below).

The timeframes are calculated from when a registered NDIS provider became aware that the incident occurred, or was alleged to have occurred.

Reporting is required even when you have acted and responded to incidents in accordance with your own incident management system. Failure to report within the statutory timeframes is a contravention of the NDIS Act and could lead to infringement notices or other compliance actions.

Reportable incident	Required timeframe
death of a person with disability	<b>24 hours</b>
serious injury of a person with disability	<b>24 hours</b>
abuse or neglect of a person with disability	<b>24 hours</b>
unlawful sexual or physical contact with, or assault of, a person with disability	<b>24 hours</b>
sexual misconduct committed against, or in the presence of, a person with disability, including grooming of the person for sexual activity	<b>24 hours</b>
the use of a restrictive practice in relation to a person with disability if the use is not in accordance with a required state or territory authorisation and/or not in accordance with a behaviour support plan.	<b>Five business days</b>

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### STEP 1. Notify the NDIS Commission

- Submit an Immediate Notification Form via the [NDIS Commission Portal](#) **within 24 hours** of [key personnel](#) becoming aware of a reportable incident or allegation.
- 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 the individuals involved in the incident.
- 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 behavior support plan. In these instances, the provider must notify the NDIS Commission within five business days of being made aware of the incident. If however, the incident has resulted in harm to a person with disability, it must be reported within 24 hours.
- To notify the NDIS Commission of an incident the authorised 'Notifier' or 'Approver' needs to login to the NDIS Commission Portal and select 'My Reportable Incidents' tile at the top of the screen. From here, you will be able to complete an Immediate Notification Form.
- The NDIS Commission suggests the '**Authorised Reportable Incidents Approver**' is the person you want to have the authority to review and be responsible for submission to the NDIS Commission. This could be the person specified in your incident management system who is responsible for reporting incidents to the NDIS Commission. The authorised 'Approver' will have the ability to submit new Reportable Incidents and view previous Reportable Incidents submitted by their organisation.
- The NDIS Commission suggests the '**Authorised Reportable Incidents Notifier**' is a supporting team member who can assist the 'Authorised Reportable Incidents Approver' to collate and report the required information. The authorised 'Notifier' will have the ability to create new Reportable Incident notifications to be saved as a draft for review and submission by the authorised 'Approver'. The authorised 'Notifier' will need to inform the authorised 'Approver' that the Incident is awaiting their review and submission. The 'Notifier' can also view past Reportable Incidents they have created through the page.

### STEP 2: Submit a 5 Day Form

- The 5 Day form must be submitted via the 'My Reportable Incidents' portal **within five business days** of key personnel becoming aware of a reportable Incident. This provides additional information and actions taken by the registered NDIS provider.
- The five-day form is also to be used for incidents involving the unauthorised use of a restrictive practice, other than those resulting in immediate harm of a person with disability.

### STEP 3. Submit a final report, if required

- You may be required to provide a **final report**. When this is the case, the NDIS Commission will notify you via email and tell you the date this is due.
- If you are required to submit a final report, you will have access to the final report fields on the NDIS Commission Portal for that incident.

There are key considerations for registered NDIS providers. In all cases, providers must assess:

- The impact on the NDIS participant.

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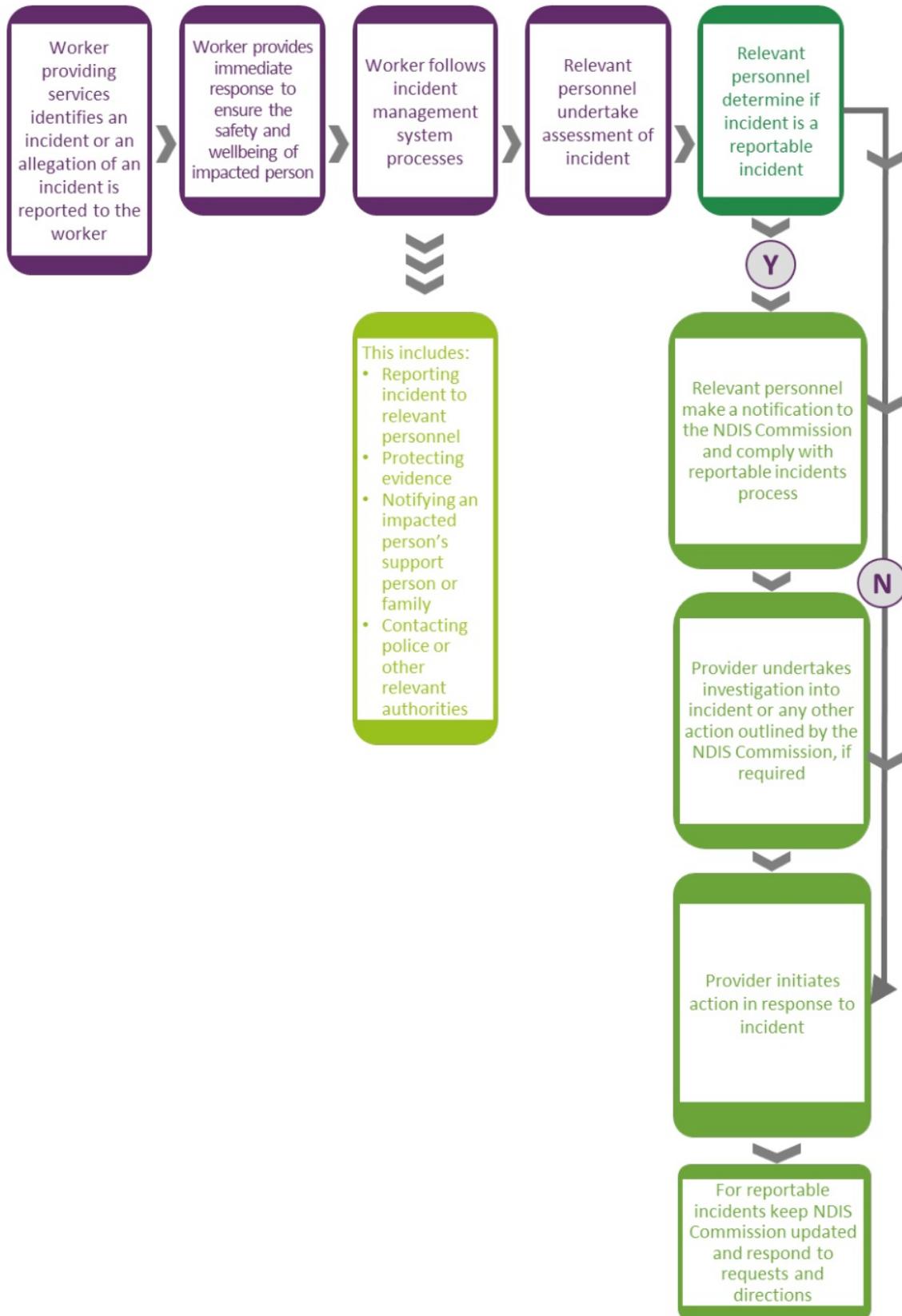
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- Whether the incident could have been prevented.
- How the incident was managed and resolved.
- What, if any, changes will prevent further similar events occurring.
- Whether other persons or bodies need to be notified.

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 or improved services to support NDIS participants and updating policies and procedures.

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## Phase 3: Incident Investigation

6.1 The investigation process consists of three steps:



### 6.2 Plan Investigation

Steps to be taken to conduct the investigation:

- (a) Scope and purpose of the investigation
- (b) Timeframe (within 48 hours)
- (c) key personnel who need to be contacted for the interview
- (d) Any photography or sketch plan required
- (e) All documentary evidence is to be presented
- (f) Any necessary documents need to be prepared, incident report, risk assessment, procedures, etc.

### 6.3 Conduct Interview

Interviews should be conducted in a fair and confidential manner. It is important to obtain consent from the interviewee to record the interview and complete the statement. The interviewee should have the right to review and check their statement are accurate.

### 6.4 Report Outcome

The outcome should include the following:

- details of the allegations
- the scope of the investigation
- the list of procedures performed in the investigation
- the witnesses interviewed
- documentary evidence considered
- summary of the key evidence
- root cause of the incident
- recommended solutions / actions

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## Phase 4: Corrective Action

Corrective measures may include, but are not limited to:

- Refer to the HR Policy under system failure
- training or education of workers
- modification of the environment
- development or amendment of a policy or procedure
- changes to the way in which supports or services are provided
- other practice improvements

The participant is to be informed of the investigation process and the outcome – A participant Incident form will be given to participant in relation to the incident.

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## Phase 5: Incident Review

Reviews should be carried out in a month with the key stakeholders of the incident and answer the questions:

- (a) What impact caused on the participant
- (b) Did we respond with appropriate actions to manage the incident in the aspects of:
  - quality assurance;
  - accountability and;
  - outcomes
- (c) Why did the incident happen, and what can be changed to reduce the likelihood of similar or related incidents in the future?

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## Timeframes for notifying a reportable incident to the NDIS Commission

- (a) Immediate Notification form to be reported within 24 hours with the following information by the delegated Reporting Officer:
  - the name and contact details of
  - the registered NDIS provider
  - the person making the notification
  - the name and contact details of
  - the persons involved in the incident (alleged victim and alleged offend
  
- (b) 5-day Notification Form to be reported within 5 business days with the following information by the delegated Reporting Officer:
  - the names and contact details of any witnesses to the reportable incident (including workers, participants or third parties)
  - any further actions proposed to be taken (by the registered provider) in response to the reportable incident.
  
- (c) Final Report to be reported within 60 business days with the following information by the delegated Reporting Officer:
  - the name and position of the person who undertook the investigation
  - when the investigation was undertaken
  - details of any findings made
  - details of any corrective or other action taken after the investigation
  - a copy of any report relating to the investigation
  - information about whether persons with disability impacted by the incident (or their representative) have been kept informed of the progress, findings and actions relating to the investigation o assessment
  - any other information required by the NDIS Commission.

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## Related Documents and Resources

The following documents and resources are to be used by relevant parties in relation to this guideline:

- Incident Management Policy
- Incident Report Form
- Incident Investigation Form
- Corrective Action Form
- Reportable Incident Form (Commission)
- Roles, Responsibilities and Compliance of workers guidelines

The reportable Incident that occur or are alleged to have occurred must be kept for a period of seven years from the date of notifying the NDIS Commission

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