

Client Incident Management

Rationale

Life Skills Victoria (LSV) is committed to ensuring that incidents which occur while providing supports and services to people with a disability are managed consistently and effectively, and that the employee can identify, manage, report, and resolve incidents.

LSV promotes a culture of open reporting and ensures that all employees understand that they are supported to report any incident or alleged incident.

The organisation keeps an accurate register of all incidents that occur in relation to the provision of supports and services. It reviews data on incidents to identify patterns of behaviour or systemic issue that can be continuously improved in providing support to people with disability.

Purpose

The purpose of this policy is to ensure LSV has measures in place to actively manage and review incidents to consistently improve service delivery. To support the safety and wellbeing of clients and provide a process and standard of practice for identifying, reporting, investigating, and resolving incidents in line with the NDIS Quality and Safeguards Commission: principles of good incident management and resolution, (**see Attachment 1**), to ensure:

- Employees are vigilant in reporting incidents when they occur.
- Timely and effective responses to incidents.
- Appropriate support is provided to those involved.
- Effective and appropriate investigation and review of incidents.
- Analysis, risk assessment and learning from incidents.
- Accountability of LSV employees.
- Improved supports and services to people with disability.

Scope

This policy applies to Board members and all staff including permanent and casual employees, contract workers, temporary agency workers, and volunteers. Anyone working with or for LSV is expected to be familiar with this policy. All staff, contractors, volunteers, and students on placement at LSV have a responsibility to ensure the details of any incident are recorded and reported.

The policy applies to incidents relating to LSV clients, that are witnessed by or reported to the CEO, or Executive Team. Reporting of incidents as defined in this policy document is mandatory. Please note management of employee incidents is covered under the Occupational Health and Safety policy and procedure document.

Relevant Legislation and Standards

NDIS Quality and Safeguarding Practice Standards 2018.

The National Disability Insurance Scheme Act, 2013.

Policy Statement

Life Skills Victoria is committed to ensuring that all employees are aware of their responsibility to report incidents and guidance to the efficient and timely response to such incidents.

Reportable Incidents:

Reportable incidents are serious incidents or alleged incidents which result in harm to an NDIS CLIENT and occur in connection with NDIS supports and services. Specific types of reportable incidents include:

- The death of 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.
- Use of restrictive practice in relation to a person with disability, other than where the use is in accordance with an authorisation (however described) of a State or Territory in relation to the person.

Definitions

| Term | Definition |
|---------------------|---|
| Notifiable Incident | A notifiable workplace incident is any event that exposes a worker or any other person to a serious risk to that person's health or safety, and it requires the relevant health and safety regulator or NDIS to be notified. |
| NDIS Incident | Acts, omissions, events, or circumstances that occur in connection with providing NDIS supports or services to a person with disability and have, or could have, caused harm to a person with disability. Acts by a person with disability that occur in connection with providing NDIS supports or service to the person with |

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| | disability and which have caused serious harm, or a risk of serious harm, to another person. |
| NDIS Quality and Safeguards Commission | The regulatory body established to oversee the registration of NDIS providers and monitor compliance, respond to complaints and reportable incidents, monitor behaviour support and restrictive practices, and undertake investigation and enforcement. |
| Reporting | https://www.ndiscommission.gov.au/resources/provider-and-worker-resources/resources-support-incident-reporting-management |

Procedure

Induction and Training

All employees must be familiar with the organisation's Incident Management System and Process, understand the NDIS' definition of a Reportable Incident, and understand the procedures they must follow for reporting all incidents to the organisation and external bodies (if required).

Process

Employees are required to follow the Incident Management Process (**See Attachment 3**)

Incident Identification: if a member of staff observes an incident, or a client, or member of the public notifies a staff member about an incident that does or could cause permanent or temporary detriment to a client, a n employees or other stakeholder, then the member of staff must report the incident to a member of the Executive Team using the Incident Report Form (**see Attachment 2**). Employees and clients will be protected against any adverse actions as a result of reporting or alleging that an incident has occurred.

Immediate Response

Where possible, an incident will first be addressed by the organisation's personnel responsible and qualified to effectively manage the incident as it takes place. First respondents understand that they must contact emergency services if the situation warrants.

Notification procedures

Employees must report incidents to various agencies and persons based on the following priority systems

- For serious incidents the employee must first contact emergency services.
- Employee must report all incidents internally to the executive team using the Incident Report Form. (**See Attachment 2**)
- If it is determined that the incident is serious the nominated executive team member is responsible for notifying families, guardians, and advocates of the Client.
- If an incident is a REPORTABLE INCIDENT, the CEO will notify the relevant external body within the expected timeframe to the external body.

Supporting Clients: Throughout the incident management process, from the initial response through to review, clients will be supported by the organisation by:

- Reassurance if the client reported the incident.
- Trauma and counselling services where required.
- Changes to regular supports where required.
- Clear, ongoing communication regarding the progress and outcomes of the investigation.
- Clients will be involved in the management and resolution of the incident where appropriate.

Assessment and investigation: The PLT are responsible for creating an initial assessment of any incident, to determine the severity of the incident and to establish the need for, and scope of, an investigation. If an incident is a **Reportable Incident**, an internal investigation will take place. All investigations will be undertaken and conducted in accordance with principles of natural justice and procedural fairness.

Incidents involving criminal allegations will be reported to law enforcement, who will receive full support of the organisation in their investigations.

Whenever an investigation into an incident is conducted, it should establish:

- The cause of an incident.
- The effect of an incident.
- Any organisational processes that contributed to or did not function in preventing an incident.
- Changes the organisation can make in order to prevent further incidents from occurring. Information related to incident investigations, including records of phone conversations, emails, documents and, where possible, records of face-to-face interviews will be recorded and kept in strict confidence.

Incident resolution: Based on PLT assessment, the organisation may undertake remedial action proportionate to the severity of the incident, including but not limited to:

- Providing an apology.
- Disciplinary action.
- Financial compensation.
- The organisation will inform and involve Clients, family, and advocates in the process of incident management and resolution.

Incident Register

The organisation keeps an accurate register of all incidents that occur in relation to the provision of services. Each entry in the register contains:

- A description of the incident.
- A determination of whether or not the incident is a Reportable Incident.
- Where possible, time, date, and location.
- Names of all the people involved, including witnesses.
- Details of the incident assessment.
- Actions taken in regard to the incident.

Incident Review

The organisation regularly reviews its incident management system and processes to understand trends, address systemic issues and inform improvement activities.

Reviews will be undertaken as a minimum annually.

Records will be kept in line with LSV Record Keeping policy.

NDIS Reporting

Registered NDIS providers should use the [NDIS Commission Portal](#) 'My Reportable Incidents' page to notify and manage all reportable incidents and must complete the following steps.

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 behaviour 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.

What to do if you cannot report with the NDIS Commission Portal

On occasion providers may experience difficulty accessing, using or submitting via the NDIS Commission portal 'My Reportable Incidents' page.

Outside of business hours and if all reasonable steps have been taken, a provider should advise the NDIS Commission of these issues as soon as possible by emailing: **VIC Reportable Incidents:** VICREPORTABLEINCIDENTS@ndiscommission.gov.au

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.
- 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.

For further information including hints and tips, please refer to the [Reportable Incidents Frequently Asked Questions](#).

Document Information - References or Related Documents

| Description | Location |
|----------------------------|---|
| LSV Risk Management Policy | LSV Policy and Procedure Manual |
| Duty of Care | LSV Policy and Procedure Manual |
| Freedom from Abuse | LSV Policy and Procedure Manual |
| Record Keeping Policy | LSV Policy and Procedure Manual |
| Code of Conduct | LSV Policy and Procedure Manual |
| Whistleblower Policy | LSV Policy and Procedure Manual |
| NDIS | https://www.vic.gov.au/sites/default/files/2019-07/NDIS-Provider-incident-reporting-from-1-July-2019.docx |
| Approval and Review | Responsible |

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|-----------------------------------|----------------------|
| Lead Author | CEO |
| Approver | LSV Policy Committee |
| Date Endorsed | February 2018 |
| Date Reviewed | March 2022 |
| Timeframe for next renewal | March 2025 |

Version History

| Version No. | Date | Summary of amendment(s) |
|-------------|---------------|-----------------------------------|
| 1 | February 2022 | Created |
| 2 | March 2022 | Reviewed and amendments included. |

Principles of Good Incident Management and Resolution

Centred on people with disability:

Management of an incident is respectful of, and responsive to, a person with disability's preferences, needs and values while supporting the person's safety and wellbeing.

Outcome focused:

Management of an incident should reveal the factors which contributed to the incident occurring and seek to prevent incidents from re-occurring.

Clear, simple, and consistent:

The process for dealing with incidents is easy to understand, accessible and consistently applied.

Accountable:

LSV is responsible for appropriately managing the response to incidents. Everyone involved in the management of an incident understands their role and responsibilities and will be accountable for decisions or actions taken regarding the incident.

Continual Improvement:

The incident management process facilitates the ongoing identification of issues and implementation of changes to improve the quality and safety of NDIS supports and services.

Proportionate:

The nature of any investigation or actions following an incident will be proportionate to the harm caused and any risk of future harm to a person with disability.

Incident Report Form

LIFE SKILLS VICTORIA – INTERNAL INCIDENT REPORT - INDIVIDUAL

| | | | |
|--|-------------------|---------------------------------|--|
| Participant Full Name | | | |
| Date of Incident | | Time of Incident | |
| Reported to | | | |
| Program / Activity | | Date & Time reported | |
| Other people present | | | |
| Venue / Location of incident | | | |
| Name and contact details of person creating record of incident or alleged incident | Staff Name | Address of incident | |
| Description of incident OR allegation Include – impact on, or harm to, any person with disability | | Contact Details | |
| Initial response and action/s taken | | | |

TO BE COMPLETED BY RELEVANT PRACTICE LEADER

| | | | | | | |
|--|------------------------------------|--------------|--------------------|----------------------|------------------------------------|--|
| <p>Assessment and investigation</p> | | | | | | |
| <p>Reporting – CEO or delegated responsible person</p> <p>Is the incident reportable?</p> <p>Notify other bodies / authorities?</p> | | | | | | |
| | <p>Incident Reported</p> | <p>Y / N</p> | <p>Date</p> | | <p>Name & Signature</p> | |
| <p>Follow-up actions:</p> <ul style="list-style-type: none"> - Risk assessment - Consultations - Statistical and other information | | | | | | |
| | <p>Actions Implemented</p> | <p>Y / N</p> | <p>Date</p> | | <p>Name & Signature</p> | |
| <p>Manage and Closure by CEO or delegated responsible person</p> | | | | | | |
| | <p>Incident file closed</p> | | <p>Date</p> | | <p>Name & Signature</p> | |
| <p>Incident recorded on Incident Register (internal) by CEO</p> | <p>Date</p> | | | <p>Signed</p> | | |

Incident Management Process

Introduction: When an employee providing services identifies an incident or an allegation of an incident is reported to the worker, the following steps apply in incident management

