

## INCIDENT MANAGEMENT AND REPORTABLE INCIDENTS POLICY

<b>VERSION:</b>	3.1
<b>TITLE OF AUTHOR:</b>	Director
<b>NAME OF RESPONSIBLE DIRECTOR:</b>	Shannon Spence
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## 1. PURPOSE

The objective of this Policy is to ensure that safety is a fundamental part of providing quality services aimed at protecting and preventing harm to people with a disability that are participants under the National Disability Insurance Scheme (NDIS).

This Policy is to meet Shannon Spence and Associates responsibilities under the [National Disability Insurance Scheme \(Incident Management and Reportable Incidents\) Rules 2018](#).

It is important for all service providers providing support to vulnerable people that providers build their capability to respond appropriately to incidents and improve their systems to prevent incidents from occurring and minimise their impact on people with a disability when they do occur.

The fundamental purpose of having a robust system in place is to reduce the risk of a similar incident occurring again.

This Policy will also detail employee's responsibility under NSW Child Protection legislation to report any significant risk of harm matters that they may identify whilst they provide support to people with disability.

## 2. SCOPE

The principles and procedures in this Policy apply to all people who work within Shannon Spence and Associates including:

- Directors
- Employees (whether full time, part time, casual, permanent or temporary), and
- Volunteers, contractors and consultants.

## 3. POLICY STATEMENT

Shannon Spence and Associates is committed to provide staff with a comprehensive and effective system to ensure that all incidents are reported, to enable the evaluation of their cause and effect, and the implementation of effective corrective action. This will assist in minimising the frequency and severity of incidents thereby improving service delivery to participants and the provision of a safe environment for participants and their families.

It is also important that employees of Shannon Spence and Associates are aware of reportable incidents and are able to identify and report these reportable incidents to the NDIS Quality and Safeguards Commissioner within the established timeframes.

## 4. DEFINITIONS

### ***Shannon Spence and Associates***

Is the registered name of this service provider.

### ***Employee***

Any person performing work for Shannon Spence and Associates regardless of whether it is paid or voluntary. All Directors, Employees, Volunteers, Contractors and Consultants are employees for the purposes of this Policy to the extent that they work directly or indirectly with people with a disability who are participants under the NDIS.

### ***Incident***

An incident has been defined as the following:

1. Consists of acts, omissions, events or circumstances that:
  - Occur in connection with providing supports or services to a person with disability; and
  - Have, or could have, caused harm to the person with disability (such as a near miss).

2. Consists of acts by a person with disability that:

- Occur in connection with providing supports or services to the person with disability; and
- Have caused serious harm or a risk of serious harm, to another person.

3. Includes reportable incidents that are alleged to have occurred in connection with providing supports or services to a person with disability.

### ***Reportable Incident***

A reportable incident is a certain incident that has happened or is alleged to have happened, in connection with the provision of supports or services by registered NDIS providers. These include the following:

- The death of a person with disability; or
- Serious injury of a person with disability; or
- Abuse or neglect of a person with disability; or
- Unlawful sexual or physical contact with, or assault of a person with disability; or
- Sexual misconduct committed against, or in the presence of, a person with disability, including grooming of the person for sexual activity; or
- The use of a 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.

### ***Significant Risk of Harm***

The law says a child is at Risk of Significant Harm (ROSH) if there are current concerns for their safety, welfare or wellbeing because of one or more of the following:

- If their basic needs are not met — for example, they don't have enough food or clothing, or don't have a safe or secure place to live.
- Parents or caregivers aren't arranging necessary medical care — for example, a child is very sick, but is not taken to a doctor.
- A child or young person being physically abused or ill-treated — for example, where a child has bruises, fractures or other injuries from excessive discipline or other non-accidental actions.
- A child or young person being sexually abused — for example, sexual activity between the child and an older child or adult.
- Risk of serious physical or psychological harm resulting from domestic violence — where a child could be injured by a punch intended for their mother, or a child can't sleep at night because of the fear there will be violence in the home.
- Risk of the child or young person suffering serious psychological harm — for example, a child having to take care of his parent, or a child being continually ignored, threatened or humiliated.

### ***Management of Risk***

Management of risk is an important aspect of providing a quality service to people with disability. This Policy needs to be read in conjunction with Adverse Events Policy that details the process that Shannon Spence and Associates identifies and manages risk in the workplace.

## 5. ROLES AND RESPONSIBILITIES

### 5.1. WHAT TO DO IF AN INCIDENT OCCURS

It is important that all employees act immediately following an incident.

When an incident is recognised as having occurred, the employee involved or the witness to the event should:

- Provide immediate support to the person with disability and provide follow up assistance as required.
- Notify a Director of Shannon Spence and Associates.
- Note the facts of the situation on the Participant Incident Report - employees should refrain from making any judgements as to the causation of the event and simply state what was observed and the actions taken at the time. Detail the support and assistance provided to persons with disability affected by an incident, to ensure their health and well-being.
- Document the incident on Shannon Spence and Associates Participant Incident Report as soon as practicable.
- Provide the Participant Incident Report Form (Appendix A) to one of the Directors of Shannon Spence and Associates within four (4) hours of the incident occurring.
- Follow up and review of the issues should take place as soon as possible by the most appropriate person (Director or delegate). Following the seven steps to incident management including:
  - Identification of factors involved in the incident.
  - Notification –including providing a copy of the participant incident report to the affected person with disability and/or their families, carers, advocates and significant others.
  - Prioritisation.
  - Investigation including working with the affected person with disability to assist in management and resolution of incident.
  - Analysis and action to determine whether the incident could have been prevented, how well it was managed and resolved, what if any remedial actions are required, whether other persons or bodies need to be notified of the incident.
  - Classification.
  - Feedback to the affected person with disability including outcome of investigation and any remedial actions that are being implemented to resolve incident from occurring again.

### 5.2. WHAT TO DO IF AN REPORTABLE INCIDENT OCCURS

It is important that all employees act immediately following a reportable incident.

When an incident is recognised as being a reportable incident that has occurred, the employee involved or the witness to the event should:

- Provide immediate support to the person with disability and provide follow up assistance as required.
- Notify a Director of Shannon Spence and Associates.
- Note the facts of the situation on the Participant Incident Report - employees should refrain from making any judgements as to the causation of the event and simply state what was observed and the actions taken at the time. Detail the support and assistance provided to persons with disability affected by an incident, to ensure their health and well-being.
- Document the incident on Shannon Spence and Associates Participant Incident Report as soon as practicable.
- Provide the Participant Incident Report to one of the Directors of Shannon Spence and Associates within four (4) hours of the incident occurring.
- The Director (or delegate) will be responsible for reporting this reportable incident to the Commissioner. Certain incidents such as **death of a person with disability, serious injury, abuse or neglect, unlawful**

**sexual or physical contact with assault, sexual misconduct committed against, or in the presence of a person with a disability** must be reported within 24 hours, while others must be notified within 5 business days.

- The Director (or delegate) will follow reporting guidelines to the Commissioner as set out in the *National Disability Insurance Scheme (Incident Management and Reportable Incidents) Rules 2018*.

### 5.3. WHAT TO DO IF YOU IDENTIFY A SIGNIFICANT RISK OF HARM

It is important that all employees are aware of mandatory reporting in child protection and the responsibilities that this requires. In NSW, mandatory reporting is regulated by the [Children and Young Persons \(Care and Protection\) Act 1998](#) (the *Care Act*) and mandatory reporters are guided by the NSW [Mandatory Reporter Guide](#) (MRG).

When a significant risk of harm is identified or suspected, the employee involved should:

- Contact the Director (or delegate) immediately so that these concerns about significant risk of harm to a child, can be entered into the MRG to determine the next steps required.
- A report to FACS or refer to CWU may be the outcome of these concerns, or it may have an outcome of continue to work with the family.

## 6. DOCUMENTATION

If Shannon Spence and Associates becomes aware that a reportable incident has occurred in connection with the provision of supports or services provided to a person with disability the Participant Incident Report must be retained by the service. This Participant Incident Report is required to be retained for 7 years from the day that notification of the reportable incident was made to the Commissioner.

## 7. BREACH OF POLICY

Failure to disclose an incident, reportable incident or significant risk of harm concern about a child is a breach of the Code of Conduct. It may result in initiation of disciplinary action that could involve severance from Shannon Spence and Associates.

## 8. AUTHORITY

This Policy is approved by the Directors of Shannon Spence and Associates.