

Incident Management and Reporting Policy

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1. Introduction

1.1. Scope

- 1.1.1. This Policy applies to the provision of all services and supports at Early Autism Services.
- 1.1.2. All permanent, fixed term and casual staff, contractors and volunteers are required to take full responsibility for ensuring a full understanding of the commitments outlined in this Policy.

1.2. Purpose

- 1.2.1. This Policy and the Policies and Procedures and related documentation set out in section 10.2 below (Related Documentation) supports Early Autism Services to apply the Incident Management NDIS Practice Standard.
- 1.2.2. Early Autism Services is committed to ensuring that each participant is safeguarded by the provider's incident management system, ensuring that incidents are acknowledged, responded to, well-managed and learned from.

1.3. NDIS Quality Indicators

- 1.3.1. In this regard, Early Autism Services aims to demonstrate each of the following quality indicators through the application of this Policy and the relevant systems, procedures, workflows and other strategies referred to in this Policy and the Related Documentation:
 - a. An incident management system is maintained that is relevant and proportionate to the scope and complexity of support delivered and the size and scale of the organisation. The system complies with the requirements under the National Disability Insurance Scheme (Incident Management and Reportable Incidents) Rules 2018
 - b. Each participant is provided with information on incident management, including how incidents involving the participant have been managed
 - c. Demonstrated continuous improvement in incident management by regular review of incident management policies and procedures, review of the causes, handling and outcomes of incidents, seeking of the participant and worker views, and incorporation of feedback throughout the provider's organisation
 - d. All workers are aware of, trained in, and comply with the required procedures in relation to incident management.

2. Policy Statement

2.1. General

2.1.1. Early Autism Services is committed to ensuring that:

- a. an incident management system is maintained that complies with the requirements under the *National Disability Insurance Scheme (Incident Management and Reportable Incidents) Rules 2018* (Incident Management System);
- b. Clients are provided with information on incident management, including how incidents involving them have been managed;
- c. incidents which occur in relation to the provision of its supports and services are managed consistently and effectively, and that Workers can identify, manage, report and resolve Incidents;
- d. it collects and reviews data on Incidents in order to inform improvement activities;
- e. it regularly reviews its Incident Management System and processes to ensure that they are:
 - i. appropriate to the size of the organisation and the classes of support it provides
 - ii. well documented
 - iii. readily accessible to all workers employed or engaged by Early Autism Services; and
 - iv. reflective and adaptive, with an intent to prevent Incidents; an
- f. it demonstrates continuous improvement in incident management by regular review of the Incident Management System (including this Policy), review of the causes, handling and outcomes of Incidents, seeking of Client and Worker views, and incorporation of feedback throughout the organisation.

3. Incident Procedures

3.1. General

3.1.1. The Policy is supported by the following Procedures which are intended to clarify the responsibilities of the Principal, Key Management Personnel, Workers and other persons and make explicit the underlying principles of the Policy.

3.2. Identification of Incidents

- 3.2.1. If a Worker observes an Incident or a Client or other person notifies a Worker about an Incident that does or could cause permanent or temporary detriment to a Client, Worker or other stakeholders, then the Worker must report the Incident to the Principal (or other Senior Staff Member if the Worker is unable to make immediate contact with the Principal).
- 3.2.2. Workers and Clients will be protected against any adverse actions as a result of reporting or alleging that an Incident has occurred.
- 3.2.3. Promote a culture of open reporting and ensure that all Workers and Clients understand that they are supported to report any Incident or alleged Incident and that there will be no negative consequences for doing so.

3.3. Immediate response

- 3.3.1. The Incident Manager is the person responsible and qualified to effectively manage Incidents.
- 3.3.2. Where possible, an Incident will first be addressed by the Incident Manager.
- 3.3.3. Notwithstanding the above, first respondents understand that they must contact the police and other relevant emergency services if required to ensure the health, safety and well-being of persons with disability, Workers or others affected by the Incident.

3.4. Notification and reporting procedures

- 3.4.1. Workers must report Incidents to various agencies and persons based on the following priority system:
 - a. for serious Incidents which warrant contacting police and other relevant emergency services to ensure the health, safety and well-being of persons with disability, Workers or others affected by the Incident, Workers must notify emergency services;
 - b. Workers must report all Incidents to the Principal;
 - c. if it is determined appropriate and after first consulting the Client, the Incident Manager will notify families, guardians and advocates of the Client; and
 - d. for Reportable Incidents, the Principal will be responsible for notifying the information specified in section 5 to the NDIS Commissioner:
 - i. if the Reportable Incident is covered by paragraphs (a) to (e) of the definition of Restrictive Practice, within 24 hours;
 - ii. if the Reportable Incident is not covered by paragraphs (a) to (e) of the definition of Restrictive Practice, within 5 business days,

and notifying such other required state, territory or federal authorities (or other persons) in accordance with applicable law

- e. The Principal will be responsible for completing an Incident Report Form as soon as practicable after the Incident.

3.5. Providing support to persons with disability

- 3.5.1. Throughout the Incident management process, from immediate response through to final assessment, Clients will be supported through means of:
 - a. reassurance if the Client reported the Incident;
 - b. assistance to access trauma and counselling services where required;
 - c. changes to regular services and supports (if necessary and possible); and
 - d. clear, ongoing communication regarding the progress and outcomes of any investigation in relation to the Incident.

The support may vary depending on the seriousness of the Incident.

3.6. Initial assessment and investigation

- 3.6.1. The Incident Manager is responsible for conducting an initial assessment of any Incident, to determine the severity of the Incident and to establish the need for, and scope and nature of, an investigation.
- 3.6.2. If an Incident is a Reportable Incident, an internal investigation must take place. Subject to the requirements of applicable law, the Incident Manager shall determine the scope of and nature of an investigation in relation to a Reportable Incident. The Incident Manager or an external investigator may wish to (but is not required to) follow some or all of the process recommendations set out in the Early Autism Services Assessment, Investigation and Resolution considerations document when conducting an investigation.
- 3.6.3. All investigations will be undertaken and conducted in accordance with the principles of natural justice and procedural fairness.
- 3.6.4. Incidents involving criminal allegations will be reported to law enforcement, who will receive the full support of Early Autism Services in their investigations.
- 3.6.5. Whenever an investigation into an Incident is conducted, it should establish:
 - a. the cause of the Incident;
 - b. the effect of the Incident;
 - c. any organisational issues that may have contributed to or did not function in preventing the Incident; and

- d. changes and corrective action Early Autism Services can be made in order to prevent further incidents from occurring (if any).

3.6.6. 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 in accordance with section 6.

3.7. Incident resolution

3.7.1. Based on the Incident Manager's assessment, Early Autism Services may undertake remedial action proportionate to the severity of the Incident, including but not limited to:

- a. providing an apology;
- b. disciplinary action; and
- c. other remedial action deemed appropriate in the circumstances based on advice obtained by Early Autism Services (where appropriate).

3.8. Consultation and final assessment

3.8.1. The Incident Manager will consult Clients (including persons with disability), family and advocates at regular intervals in connection with the management, resolution and any decision in relation to the Incident. In addition, such consultation(s) will involve obtaining the Client's views in relation to the following matters:

- a. whether the Incident could have been prevented;
- b. how well the Incident was managed and resolved;
- c. what, if any, remedial action needs to be undertaken to prevent further similar incidents from occurring, or to minimise their impact; and
- d. whether other persons or bodies need to be notified of the Incident.

3.8.2. After duly considering the Client's viewpoint in relation to the above matters, the Incident Manager shall make a final assessment in relation to the Incident, such assessment to form a conclusion on each of the matters in this section 3.8.

3.9. New information

3.9.1. If any Worker becomes aware of significant new information in relation to an Incident after the investigation has been concluded, it must immediately provide that information to the Principal. Depending on the significance of the information the

Principal may review (or ask the Incident Manager to review) any aspect of the above incident management process.

4. Information to be notified in relation to Reportable Incidents

4.1. Notification to the NDIS Commissioner within 24 hours

4.1.1. Subject to section 4.2, the Principal must notify in writing the NDIS Commissioner of the following information in relation to an Incident covered by paragraphs (a) to (e) of the definition of Reportable Incident within 24 hours after a Key Management Personnel at Early Autism Services becomes aware of the Reportable Incident:

- a. Early Autism Services's name and contact details;
- b. a description of the Reportable Incident;
- c. except in the case of a Reportable Incident resulting from the death of a person with disability, a description of the impact on, or harm caused to, the person with disability;
- d. the immediate actions taken in response to the Reportable Incident, including actions taken to ensure the health, safety and wellbeing of persons with disability affected by the Incident and whether the Incident has been reported to police or any other body;
- e. the name and contact details of the person making the notification;
- f. the time, date and place at which the Reportable Incident occurred;
- g. the names and contact details of the persons involved in the Reportable Incident; and
- h. any other information required by the NDIS Commissioner.

The Principal must notify the NDIS Commission by completing the [Create an Immediate Notification Form](#) via the NDIS Commission Portal.

4.2. Insufficient information available within 24 hours

4.2.1. If within 24 hours after a Key Management Personnel at Early Autism Services becomes aware that a Reportable Incident occurred, there is insufficient information available to comply with section 4.1, the Principal must in writing:

- a. provide the information mentioned in section 4.1.1(a) to (e) within the 24 hour period; and
- b. provide the remaining information required by section 4.1 within 5 business days after a Key Management Personnel at Early Autism Services became aware that the Reportable Incident occurred.

4.3. Additional information is to be provided within 5 business days

- 4.3.1. Early Autism Services must notify in writing the NDIS Commissioner of the following information within 5 business days after a Key Management Personnel at Early Autism Services became aware that the Reportable Incident occurred:
- a. the names and contact details of any witnesses to the Reportable Incident; and
 - b. any further actions proposed to be taken in response to the Reportable Incident.

4.4. Notification of other Reportable Incidents within 5 Business Days

- 4.4.1. In relation to a Reportable Incident other than of the kind covered by section 4.1, the Principal must notify the NDIS Commissioner in writing of the following information in relation to the Reportable Incident within 5 business days after a Key Management Personnel at Early Autism Services becomes aware of the Reportable Incident:
- a. Early Autism Services' name and contact details;
 - b. a description of the Reportable Incident;
 - c. if known—the time, date and place at which the Reportable Incident occurred;
 - d. the names and contact details of the persons involved in the Reportable Incident;
 - e. the names and contact details of any witnesses to the Reportable Incident;
 - f. the immediate actions taken in response to the Reportable Incident, including actions taken to ensure the health, safety and wellbeing of persons with disability affected by the Incident and whether the Incident has been reported to police or any other body;
 - g. any further actions proposed to be taken in response to the Reportable Incident;
 - h. the name and contact details of the person making the notification; and
 - i. any other information required by the NDIS Commission.

The Principal must notify the NDIS Commission by completing the [5-Day Notification Form](#) via the NDIS Commission Portal.

4.5. Certain information need not be obtained or disclosed

- 4.5.1. Early Autism Services is not required to obtain, or notify the Commissioner of, the information mentioned in sections 4.1.1 (b), (c), (f) or (g), 4.3(a) or 4.4.1 (b), (c), (d) or (e) if obtaining the information would, or could reasonably be expected to:
- a. prejudice the conduct of a criminal investigation; or
 - b. expose a person with a disability to a risk of harm.

4.6. New information

- 4.6.1. If any Worker becomes aware of significant new information in relation to a Reportable Incident after it has been notified to the NDIS Commission, it must immediately provide that information to the Principal.
- a. If the new information provided to the Principal is significant and:
 - i. is or relates to a change in the kind of Reportable Incident previously notified to the NDIS Commission; or
 - ii. is a further Reportable Incident,the Principal must notify the NDIS Commission of the significant new information as soon as reasonably practicable after becoming aware of the information.

4.7. Report to the NDIS Commission

- 4.7.1. Early Autism Services may be required to give the following information in writing within 60 business days (or a longer period specified by the NDIS Commission) after notification in respect of the Reportable Incident:
- a. details of any internal or external investigation or assessment that has been undertaken in relation to the Incident, including:
 - i. the name and position of the person who undertook the investigation; and
 - ii. when the investigation was undertaken; and
 - iii. details of any findings made; and
 - iv. details of any corrective or other action taken after the investigation;
 - b. a copy of any report of the investigation or assessment;
 - c. whether persons with disability affected by the Reportable Incident (or their representative) have been kept informed of the progress, findings and actions relating to the investigation or assessment; and
 - d. any other information required by the Commissioner.

5. Record keeping

5.1. Record keeping in relation to Incidents that occur

- 5.1.1. Early Autism Services shall keep an accurate register of each Incident that occurs and each Reportable Incident that is alleged to have occurred. Each record in the register must contain:
- a. a description of the Incident including the impact on, or harm caused to, any person with disability affected by the Incident;
 - b. whether the Incident is a Reportable Incident (or alleged Reportable Incident);

- c. if known—the time, date and place at which the Incident occurred;
- d. if paragraph (c) does not apply—the time and date the Incident was first identified;
- e. the names and contact details of the persons involved in the Incident;
- f. the names and contact details of any witnesses to the Incident;
- g. details of the assessment undertaken in accordance with the requirements of section 4.7;
- h. the actions taken in response to the Incident, including actions taken to support or assist persons with disability affected by the Incident;
- i. any consultations undertaken with the persons with disability affected by the Incident;
- j. whether persons with disability affected by the Incident have been provided with any reports or findings regarding the Incident;
- k. if an investigation is undertaken by the provider in relation to the Incident - the details and outcomes of the investigation; and
- l. the name and contact details of the person making the record of the Incident.

5.2. Keeping records in relation to Incidents

- 5.2.1.1. A record made for the purposes of section 5.1 must be kept for 7 years from the day the record is made.

5.3. Collection of statistical information relating to Incidents

- 5.3.1. Early Autism Services must collect statistical and other information relating to Incidents to enable it to:
 - a. review issues raised by the occurrence of incidents;
 - b. identify and address systemic issues; and
 - c. report information relating to complaints to the NDIS Commissioner if requested to do so by the NDIS Commissioner.
- 5.3.2. Results from this review will be reviewed by the Principal and used to:
 - a. inform training by including a review of Incidents (on an anonymous basis) in relevant Worker training activities; and
 - b. inform service delivery by taking the learnings from training activities.

6. Privacy and Confidentiality

6.1. General

- 6.1.1. Early Autism Services will take all reasonable steps to ensure that information in connection with an Incident (including all records, correspondence files and the Incident register) including any investigation conducted in connection with an Incident is kept confidential and only disclosed if required by law or if the disclosure is otherwise appropriate in the circumstances. Without limiting the generality of the above, Early Autism Services considers it would be appropriate to disclose such confidential information in the following circumstances:
- a. The disclosure is to the Principal, Incident Manager, an employee, contractor or other members of staff of Early Autism Services who are directly or indirectly involved in the Incident (including for the purposes of affording procedural fairness to such person(s));
 - b. The disclosure of the Incident related information is to a lawyer or other advisor of Early Autism Services;
 - c. The disclosure of the Incident related information is reasonably required to enable an incident to be properly investigated; and
 - d. The disclosure of the Incident related information is to the NDIS Commission, the police or otherwise required by law.

7. Training procedures

7.1. General

- 7.1.1. All staff will be trained on the Incidents Management System during their induction, and as part of ongoing refresher training and/or when processes change.
- a. As part of that training, all Workers will be trained and must understand:
 - b. the Incident Management System;
 - c. the definition of a Reportable Incident; and
 - d. the procedures they must follow for reporting all Incidents to the organisation and an external body (if required).
- 7.1.2. The Principal may undertake training in conducting serious Incident investigations including investigating Incidents that may involve a criminal element and applying procedural fairness.

8. Continuous improvement of the Incidents management system

8.1. General

- 8.1.1. This Incidents Management System including the incident management process in section 3 will be reviewed and evaluated by the Principal at least annually to ensure

its effectiveness. This will include:

- a. review of Incident Report Forms held in relation to Incidents;
- b. Client and Worker feedback about the effectiveness of the Incidents Management System; and
- c. implementation of a continuous improvement plan based on the review and feedback received.

9. Definitions

9.1. Definitions

Term	Meaning
Early Autism Services	means Early Autism Services (Australia) Pty Ltd ABN 39 632 134 028
Clients	means clients of Early Autism Services (including an NDIS participant).
Incident	means any: <ol style="list-style-type: none"> a. act, omission, event or circumstance that: <ol style="list-style-type: none"> i. occurs in connection with Early Autism Services and its Workers providing support or services to a person with a disability; and ii. have, or could have, caused harm to the person with a disability; b. acts by a person with a disability that: <ol style="list-style-type: none"> i. occur in connection with providing supports or services to the person with a disability; and ii. have caused serious harm, or a risk of serious harm, to another person; and c. Reportable Incidents that are alleged to have occurred in connection with providing support or services to a person with a disability.

Key Management Personnel	means key management personnel involved in Early Autism Services as outlined in NDIS registration
Legislation Register	means the register of legislation, regulations, rules and guidelines maintained by Early Autism Services.
Policy Register	means the register of policies of Early Autism Services.
Principal	means Chief Executive Officer.
Reasonably practicable	means that which is, or was at a particular time, reasonably able to be done in relation to ensuring workplace health and safety, taking into account and weighing up all relevant matters including: <ul style="list-style-type: none"> a. the likelihood of the hazard or the risk concerned occurring; and b. the degree of harm that might result from the hazard or the risk; and c. what the person concerned knows, or ought reasonably to know, about: <ul style="list-style-type: none"> i. the hazard or the risk; and ii. ways of eliminating or minimising the risk; d. the availability and suitability of ways to eliminate or minimise the risk; and e. After an assessment, the extent of the risk and the available ways of eliminating or minimising the risk, the cost associated with available ways of eliminating or minimising the risk, including whether the cost is grossly disproportionate to the risk.
Reportable Incidents	means in connection with the supports and services provided by Early Autism Services: <ul style="list-style-type: none"> a. the death of a person with a disability; or b. serious injury of a person with a disability; or

	<ul style="list-style-type: none"> c. abuse or neglect of a person with a disability; or d. unlawful sexual or physical contact with, or assault of, a person with disability; or e. sexual misconduct committed against, or in the presence of, a person with disability, including grooming of the person for sexual activity; or f. the use of a restrictive practice in relation to a person with disability, <p>provided that an act is not a Reportable Incident if:</p> <ul style="list-style-type: none"> a. the act is unlawful physical contact with a person with disability and the contact with, and impact on, the person with disability is negligible; b. the use of a restrictive practice is in accordance with an authorisation (however described) of a State or Territory in relation to the person and such use is in accordance with a behaviour support plan for the person with disability; and c. the use of a restrictive practice is in accordance with a behaviour support plan for the person with disability and the State or Territory in which the restrictive practice is used does not have an authorisation process in relation to the use of the restrictive practice, <p>and includes Reportable Incidents that are alleged to have occurred.</p>
<p>Representative</p>	<p>means a person specified as the representative of the client in the client’s Service Agreement or any person who provides personal care, support or help to a client and is not engaged as a paid or volunteer worker, often a family member or guardian (if any).</p>

Risk Management	means the process whereby hazards are identified, the risks associated with the identified hazard are assessed and the control measures which will eliminate or minimise the risk of injury from the identified hazard are planned and implemented.
Senior Staff Member	means any senior member of staff at Early Autism Services other than the Principal.
Worker	means a permanent, fixed term or casual member of staff, a contractor or volunteer employed or otherwise engaged by Early Autism Services and includes the Principal.
Workplace	means a place where work is carried out by Early Autism Services and includes any place where a worker goes or is likely to be while at work including: Early Autism Services' business premises; a. a client's home or part of their home (for example, a dedicated treatment room), a vehicle or a community venue, where and while a service is being undertaken; and b. accommodation a worker occupies that is owned by or under the management or control of the Principal where the occupancy is necessary for the worker's engagement because other accommodation is not reasonably available.

10. Policy Governance

10.1. Relevant Legislation, Regulations, Rules and Guidelines

- 10.1.1. Legislation, Rules, Guidelines and Policies apply to this Policy and Related Documentation as set out in the Legislation Register.

10.2. Related Documentation

- 10.2.1. The application of the above policy by Early Autism Services is supported in part by and should be read alongside the Policies and Procedures and related documentation corresponding to this Policy in the Policy Register.

10.3. Inconsistency

- 10.3.1. If and to the extent that the terms of this Policy are or would be inconsistent with the requirements of any applicable law, this Policy is deemed to be amended but only to the extent required to comply with the applicable law.

10.4. Policy Details

Policy Author	Quality, Risk and Accreditation Manager
Executive Owner	Chief Executive Officer
Approved By	The Board of Early Autism Services (Australia) Pty Ltd
Approval Date	August 2022
Review Date	August 2024
Version	1.0