



Reportable Incident Policy

1. POLICY STATEMENT

An incident is an undesirable event that could adversely impact the well-being and safety of our clients and employees. The Spark Therapy Services aims to provide effective management of incidents in accordance with our obligations under the NDIS Act 2013, its associated rules and practice standards.

2. PURPOSE

These procedures provide employees with an effective, standardised system of reporting and managing incidents. It also tells management about problems so that work practices can be reviewed to reduce the likelihood of the incident happening again.

This procedure will:

- Provide means of quickly identifying unmet needs for extra support or training
- Provide a picture of developing patterns of incidents, which may necessitate a change in work practices in order to better safeguard our clients and employees
- Provide a record of the incident in case later reference is needed.

3. RESPONSIBILITIES

All employees are responsible for implementing this procedure. The Director is responsible for monitoring and responding to incidents and ensuring that incident reports are completed and logged on the incident register. The Director is responsible for reviewing incidents to identify patterns or issues that may require a review of policies and/or change in work processes and practices.

4. PROCEDURE

When an accident occurs employees and contractors must:

- Ensure the immediate safety of clients and other employees and render First Aid if required

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- Call 000 – if required (Police, Fire, Ambulance) – refer to Responding to Emergencies procedure
- If the incident is a **Category 1** or **2** incident, notify the Director by phone or email as soon as is practicably possible **and no later than 2 hours** following the incident occurring
- If the incident is a **Category 3** incident notify the Director by phone or email **within 24 hours** of the incident occurring
- **Immediately** notify families, carers and guardians of a Category 1 or 2 incident and if a client is injured
- Complete **The Spark Therapy Services Incident Report form** within 24 hours of the incident occurring and submitting it to the Director via email.
- If required, notify the NDIS Commission (refer below).

5. INCIDENT CATEGORIES

Category 3 incidents

- Minor injury to a client and/or their carer – First Aid not required
- Minor injury to an employee – First Aid not required
- Verbal abuse
- Minor property damage

Category 2 incidents

- injuries to employees requiring First Aid
- injuries to clients and/or carers requiring First Aid
- Significant property damage

Category 1 incidents

- serious injury to employees requiring medical treatment/hospitalisation
- serious injury to clients and/or carers requiring medical treatment/hospitalisation
- any incident involving the police, fire or ambulance services
- events with health and safety implications, e.g. fire hazards such as the storage of chemicals or an attempted break and enter
- events that may be of significant interest to the media.

6. INVESTIGATION AND ASSESSMENT OF INCIDENTS

Following the incident, the Director will complete an assessment with regard to the following issues:

- whether the incident could have been prevented
- how well the incident was managed and resolved

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- what, if any, remedial action needs to be undertaken to prevent further similar incidents from occurring, or to minimise their impact, and
- whether other persons or bodies need to be notified of the incident.

The Director will also consider the outcome of the assessment to determine what further action should be taken, which could include:

- providing ongoing support to impacted people with disability and/or ensuring the ongoing wellbeing and safety of impacted people with disability
- identifying and implementing practice improvement measures
- notifying the NDIS Commissioner and/or other bodies or agencies, if appropriate
- undertaking further investigations
- identifying and taking corrective action to prevent a reoccurrence of incidents, or
- deciding that no further action is necessary.

The Director will record the outcome of their assessment on The Spark Therapy Services Incident Report form.

7. PROCESS FOR INITIATING AND CONDUCTING INVESTIGATIONS

In some circumstances it may be necessary to conduct a more formal investigation to establish the cause of a particular incident, its effect and any operational issues that may have contributed to the incident occurring.

Process for conducting internal and external investigations:

- Category 2 and most Category 3 incidents: internal investigation by the Director or delegated employee as per section 6 in this document.
- The approach, process undertaken, findings and recommendations of the internal investigation will be documented in a way that is proportionate to the severity of the incident.
- If police are involved, an internal investigation should not commence until the police have completed their inquiries.
- Category 3 incidents involving assault, sexual assault and/or hospitalisation of a client: external investigation conducted by an appropriately qualified investigator. Refer to the **NDIS Commission's NDIS Procedural Fairness Guidelines** during the course of conducting any investigation into an incident.

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8. SUPPORT TO CLIENTS

- If a client is injured while receiving services from us, employees must ensure that they receive medical attention appropriate to the severity of the injury
- In the event of a serious incident e.g. assault, staff should offer counselling to affected clients.
- The Director will invite clients to be involved in the management of the resolution of the incident and this will be recorded in the Practice Manager's report: post-incident review section on the Incident Report template.

9. NOTIFYING THE NDIS QUALITY AND SAFEGUARD COMMISSION

9.1 Incident notification to the NDIS Commission

Registered providers **must** report to the **NDIS Commission** serious incidents

(including allegations) arising in the context of NDIS supports or services, including:

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

9.2 Timeframes and process

Registered NDIS providers are required by law to have appropriate systems in place to respond to any incidents that occur or are alleged to have occurred in connection with the provision of supports or services to a person with disability. The law also requires that registered NDIS providers notify certain types of incidents to the NDIS Commission. These incidents are referred to as 'reportable incidents'.

1. Assess whether steps need to be taken to assure safety after alleged or suspected criminal conduct toward a person with a disability.
 - Immediately secure the safety of participants, other workers and yourself.
 - Protect the victim from any further harm.
 - Contact police if there is a risk of immediate harm which requires their assistance.
 - Contact the ambulance if someone is injured.
 - If you are a worker, notify your duty manager, supervisor or key personnel.
 - Notify the NDIS Commission.

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2. As soon as possible, you follow The Spark Therapy Services incident management system process. This is the person responsible for reporting incidents that are reportable to the NDIS Commission. In this case, The Director Tina Bruce.
3. The Director will notify the NDIS Commission **within 24 hours** of the registered NDIS provider becoming aware of the incident. The notification should be made in writing, by completing a form approved by the NDIS Commission and returning it to the NDIS Commission via email.
4. The unauthorised use of restrictive practice must be notified to the NDIS Commission within 5 business days of a provider's key personnel being made aware of it. **If there is harm to a participant, it must be reported within 24 hours.**

The reporting officer must provide the following information to the NDIS Commission where it can be collected:

- 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 offender)
 - a description of the reportable incident – including the nature of any injuries sustained, and details such as time, date and place it allegedly occurred
 - a description of the impact on, or harm caused to, the person with disability (Note: where the reportable incident is a death this does not need to be provided)
 - the immediate actions taken by the provider in response to the reportable incident including – any actions relating to the health, safety and wellbeing of the participant, involved in the incident including medical treatment provided, or whether the incident has been reported to the police or any other body.
5. An investigation needs to be undertaken by The Director and the registered NDIS provider to conclude:
 - whether the incident could have been prevented
 - how well the incident was managed and resolved
 - what, if any, remedial action needs to be undertaken to prevent further similar incidents from occurring, or to minimise their impact
 - whether other persons or bodies need to be notified of the incident.

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6. Providers may be required to give details to the NDIS Commission in connection with any internal or external investigation or assessment that has been undertaken in relation to the reportable incident, including:
 - 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 or assessment
 - any other information required by the NDIS Commission.

7. The details outlined above should be included in the final report to the NDIS Commission which must be provided within 60 business days following the initial notification. The NDIS Commission may extend the period for providing the final report – for example, if there is a concurrent police investigation the reportable incident investigation will be justifiably delayed. The notification must be made in writing, by completing a form approved by the NDIS Commission and returning it to the NDIS Commission via email.

8. Registered NDIS providers must keep records of all reportable incidents (the completed NDIS form) that occur or are alleged to have occurred for a period of seven years from the date of notifying the NDIS Commission. Providers should also retain records of investigations (including records of interviews, evidence collected, any relevant correspondence, investigation reports and outcomes). Key personnel, managers or other people specified in the provider’s incident management system are the individuals that will be responsible for creating and maintaining incident records, while the provider will be required to retain them.

9.3 Reportable Incident Forms

The Commission must be notified using the following forms:

Reportable incident – immediate notification: Reportable Incident –

Immediate Notification: <https://www.ndiscommission.gov.au/document/661>

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Reportable incident – 5-day notification: Reportable Incident – 5-day notification form: <https://www.ndiscommission.gov.au/document/1521>

Once a form is completed, email it directly to the NDIS Commission at: reportableincidents@ndiscommission.gov.au.

Further guidance on responding to reportable incidents is contained in the NDIS Commission’s Reportable incidents guidance for providers document:

[NDIS Reportable Incidents Guidance for Providers](#)

10. MINIMUM RECORD KEEPING REQUIREMENTS

Under the NDIS Incident Management requirements, for each incident, registered NDIS providers must record, at a minimum, the following details:¹

- a description of the incident, including the impact on, or harm caused to, any person with disability
- whether the incident is a reportable incident
- if known, the time, date and place at which the incident occurred or if not known, the time, date and place at which the incident was first identified
- the names and contact details of the persons involved in the incident and any witnesses to it
- the actions taken in response to the incident, including action taken to support or assist a person with disability impacted by an incident
- if an investigation is undertaken by the provider in relation to the incident — the details and outcomes of the investigation, and
- the name, position and contact details of the person making the record of the incident.

All records must be kept for seven years from the day that the record is made.

11. NOTIFIABLE INCIDENT REPORTING IN VICTORIA

Under the Occupational Health and Safety Act 2004 (OHS Act), employers and self-employed persons must notify WorkSafe immediately after becoming aware an incident has occurred. Failure to report an incident to WorkSafe is an offence and may result in prosecution.

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You must report incidents resulting in:

- death
- a person needing medical treatment within 48 hours of being exposed to a substance
- a person needing immediate treatment as an in-patient at a hospital
- a person needing immediate medical treatment for one of the following injuries: amputation, serious head injury or serious eye injury, removal of skin (example: de-gloving/ scalping) electric shock, spinal injury, loss of a bodily function, serious lacerations (example: requiring stitching or other medical treatment).

You must report incidents involving:

- collapse of a building structure (or partial collapse)
- implosion, explosion, or fire
- escape, spillage or leakage of any substance
- plant or objects falling from high places

Dangerous goods incidents

All incidents involving dangerous goods must be reported, including:

- fire
- explosion
- spills
- leakage
- escape

For more information refer to:

<https://www.worksafe.vic.gov.au/report-incident-criteria-notifiable-incidents>

12. AVAILABILITY OF RECORDS

The Spark Therapy Services commits to making our records available to auditors as part of our quality assurance process will and contribute to NDIS Commission and/or WorkSafe Vic investigations relating to incidents.

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13. FURTHER INFORMATION

For further information on this procedure, contact Tina Bruce Director The Spark Therapy Services tina@thesparkts.com.au 0431273352

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