

### Policy Statement:

ODEEP is committed to ensuring that incidents which occur in relation to the provision of services are managed consistently and effectively, and that workers can identify, manage, report and resolve incidents.

The organisation collects and reviews data on incidents in order to inform improvement activities.

ODEEP regularly reviews its incident management system and processes to ensure that they are:

- Appropriate to the size of the organisation and the classes of supports it provides.
- Well documented.
- Readily accessible to all workers employed or engaged by the organisation
- Reflective and adaptive, with an intent to prevent incidents.

ODEEP adopts a zero tolerance framework that implements and continuously improves practices which safeguards the rights of the people and children that we support.

### Responsibilities and delegations

This policy applies to	ODEEP staff, volunteers, contractors and families.
Specific responsibilities	This policy is developed by the CEO and reviewed by ODEEP staff and Board of Directors. It is communicated and implemented by the CEO and staff.
Policy approval	This policy is written and approved by the ODEEP CEO.

### Policy context – this policy relates to:

Standards	NDIS Quality Standards and Indicators 2018
Legislation	<ul style="list-style-type: none"> <li>• National Disability Insurance Scheme Act 2013</li> <li>• National Disability Insurance Scheme (Incident Management and Reportable Incidents) Rules 2018</li> </ul>
Organisation policies	Client Rights and Service Charter Policy Child Protection Policy Work Health and Safety Policies
Forms, record keeping, other documents	Incidents Form Incident Register NDS Zero Tolerance Framework

### Definitions

**Incidents** are acts, omissions, events or circumstances that occur or could occur during or in relation to the provision of supports, or the alteration or withdrawal of supports, that cause harm, either physically or emotionally, to a worker, client, or other stakeholder. Incidents also include acts, omissions, events or circumstances that have caused or could cause damage to property, the environment, material or cause

public alarm.

**Reportable Incidents** refer to incidents, or alleged incidents, of severity that must be reported to an external agency. This includes but is not limited to:

- The death of a client.
- Serious injury.
- Abuse or neglect.
- Sexual misconduct.
- Unauthorised restrictive practices.

**Workers** are staff, contractors and volunteers employed or engaged by ODEEP.

## Procedures

### Induction and staff training

All workers must be familiar with the organisation's incident management system, understand the organisation's definition of a Reportable Incident, and understand the procedures they must follow for reporting all incidents to the organisation and an external body, such as the NDIS Commission. All workers, will receive at their induction a copy of the NDS zero tolerance framework to assist in their understanding of the practices and principles of safeguarding the rights of the clients that we support.

ODEEP promotes a culture of open reporting and ensures that all workers understand that they are supported to report any incident or alleged incident, and that there will be no negative consequences for doing so.

### Incident identification

If a worker observes an incident, or a client or member of the public notifies a worker about an incident that does or could cause permanent or temporary detriment to a client, worker or other stakeholder, then the worker must report the incident to the ODEEP CEO or Practice Manager.

Workers 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

Staff must report incidents to various agencies and persons based on the following priority system:

- For serious incidents workers must first contact emergency services.
- Workers must report all incidents internally to the ODEEP CEO.
- If it is determined that the incident is serious the ODEEP CEO, or in the absence of the ODEEP CEO the Practice Manager is responsible for notifying families, guardians and advocates of the client.
- If an incident is a Reportable Incident, the ODEEP CEO will notify the NDIS Commission as per the below procedure:

## Reportable Incident Management Procedures

ODEEP abides by all regulations required under the *National Disability Insurance Scheme Act 2013 and the National Disability Insurance Scheme (Incident Management and Reportable Incidents) Rules 2018*, in relation to the management of Reportable Incidents involving Service Users who are receiving a service under a NDIS Plan.

**In addition** to the procedures and reporting requirements outlined in the main body of this Policy, any 'Reportable Incidents' are to be reported to the NDIS Quality and Safeguards Commission (the NDIS Commission). The NDIS Commission is to be kept informed of any investigation or actions arising from the incident.

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 to a person with disability.

A Reportable Incident form is available on the NDIS Commission website and should be submitted along with supporting documents within 24hrs of the incident being discovered.

Details to be recorded should include:

- 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;
- if an investigation is undertaken by the provider in relation to the incident —the details and outcomes of the investigation.
- the name, position and contact details of the person making the record of the actions taken in response to the incident, including action taken to support or assist a person with disability impacted by an incident.

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

Subsequent to any reportable incident occurring, the following assessments will be undertaken:

- the impact on the person with a disability.
- whether the incident could have been prevented.
- how the incident was managed.
- what, if any, changes are required to prevent further similar events occurring.

## Supporting clients

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

- Reassurance if the client reported the incident.
- Trauma and counselling services where required.

- Changes to regular supports if necessary.
- Clear, ongoing communication regarding the progress and outcomes of the investigation.
- Client are also informed of their right to access an advocate (internal or external) throughout the incident management process.

Clients will be involved in the management and resolution of the incident where appropriate.

### **Assessment and investigation**

ODEEP is responsible for creating an initial assessment of any incident, to determine the severity of an 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 the ODEEP CEO's 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 and review**

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.

The organisation will review this information on a continuous improvement basis to understand trends, address systemic issues and inform improvement activities.

Records will be kept for a minimum of seven years.

<b>Record of policy development</b>		
<b>Version</b>	<b>Date approved</b>	<b>Date for review</b>
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Version 2	September 2021	September 2022