



## Incident Management and Reportable Incidents

This document is based upon the *National Disability Insurance Scheme (NDIS) – Incident Management and Reportable Incidents Rules 2018*.

As Dot to Dot Early Intervention is an NDIS registered provider, we are required to implement and maintain a system to record and manage incidents that occur in connection with providing supports or services to people with disability.

Incidents that must be recorded and managed are:

- (a.) incidents that have, or could have, caused harm to a person with disability receiving supports or services; and
- (b.) acts by a person with disability that happen in connection with the provision of supports or services and that 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 the provision of supports or services.

Dot to Dot aims to set up procedures for identifying, assessing, managing and resolving such incidents. These procedures include information regarding people to whom incidents must be reported, how people with disability affected by an incident will be supported, how people with disability will be involved in resolving the incident and when corrective action is required.

Dot to Dot will keep a record about incidents and will document in their incident management system. Copies of the documented system will be available to certain individuals, including workers and people with disability receiving support or services from Dot to Dot.

Workers must comply with Dot to Dot's incident management system and be aware of their roles and responsibilities in identifying, managing and resolving incidents, as well as, preventing incidents from occurring. Failure to comply with requirement to notify, investigate and manage reportable incidents is considered a breach of a registered NDIS provider's conditions of registration and may lead to compliance and enforcement action.

For an incident to become a reportable incident it must satisfy the following two requirements:

- The incident must be defined as a reportable incident in section 73Z(4) of the Act and section 16 of the NDIS (Incident Management and Reportable Incidents) Rules 2018; and
- The incident must have occurred or be alleged to have occurred in connection with the provision of supports or services by Dot to Dot Early Intervention.

Subsection 73Z(4) of the NDIS Act states that reportable incident means:

1. death of a person with disability; or
2. serious injury of a person with a disability; or
3. abuse or neglect of a person with disability; or
4. unlawful sexual or physical contact with, or assault, of a person with disability; or
5. sexual misconduct committed against, or in presence of, a person with disability, including grooming of the person for sexual activity; or
6. the 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.

This list must be read with Section 16 of the *National Disability Insurance Scheme – Incident Management and Reportable Incidents Rules 2018*, which states

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- unlawful physical contact with a person with disability is *NOT* a reportable incident *IF* the contact with, and impact on, the person with disability is negligible; and
- the use of restrictive practice in relation to a person with disability where the use is not in accordance with an authorisation (however described) of a State or Territory is *NOT* a reportable incident *IF* the use is in accordance with a behaviour support plan for the person and the State or Territory in which the practice is used does not have an authorisation process in relation to the use of the practice; and
- the use of a restrictive practice in relation to a person with disability where the use is in accordance with an authorisation (however described) of a State or Territory *IS* a reportable incident *IF* the use is not in accordance with a behavioural support plan for the person.

The definition of a *reportable incident* captures not only incidents that have occurred, but also allegations of the incidents described above. It also *only includes incidents where the impacted person is a person with disability* – incidents that are recorded in an incident management system that relate to serious harm to workers or other people committed by a person with disability are not reportable. The only exception to this is where a person with disability is the impacted person of the incident.

### Incident Procedure – Overview

1. Worker identifies an incident or allegation of an incident is reported to the worker.
2. Worker provides immediate response to ensure safety and well-being of the impacted person.
3. Worker follows incident management system process.
4. Report incident to the director.
5. Protect evidence of the incident.
6. Notify the impacted person's guardians.
7. Contact relevant authorities (i.e. police).
8. Relevant personnel undertake assessment of incident.
9. Relevant personnel determine whether incident is a reportable incident.
10. Relevant personnel notify NDIS commission and comply with the reportable incidents' process.
11. Director undertakes investigation into incident, or any other action outlined by the NDIS commission if required.
12. Director initiates action in response to incident.
13. Director keeps NDIS commission updated and responds to requests and directions.

### Indicators of Incidents

<b>Physical Abuse, Unlawful Physical Contact or Physical Assault</b>	Inconsistent, vague, unexpected or unlikely explanation for the injury; Unexplained injuries (broken bones, fractures, sprains, bruises, burns, scalds, bite marks, scratches or welts); Bruising and marks that may suggest the shape of the object that caused it; Avoiding or being fearful of a particular person or worker; Being overly compliant with workers; Frequent and overall drowsiness (associated with head injuries) and out of character aggression
<b>Sexual Contact, Sexual Assault or Sexual Misconduct</b>	Dropping hints that appear to be about abuse; Bruises, pain and bleeding – including redness and swelling around breasts and genitals; Torn, stained or bloody underwear or bedding; Repeating a word or sign, such as “bad” or “dirty”; Presence of a sexually transmitted disease; Pregnancy; Sudden changes in behaviour or character i.e. depression and anxiety attacks (crying, sweating, trembling, withdrawal, agitation, anger, violence, absconding, sexually expressive behaviour, seeking comfort and security); Sleep disturbances, refusing to go to bed and/or going to bed fully clothed; Refusing to shower.

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<b>Psychological, Emotional or Verbal Abuse</b>	Depression, withdrawal, crying or emotional behaviour; Being secretive and trying to hide information and personal belongings; Speech disorders; Weight gain or loss; Feelings of worthlessness about life and themselves, extremely low self-esteem, self-abuse, or self-destructive behaviour; Extreme attention-seeking behaviour and other behavioural disorders (i.e. disruptiveness, aggressiveness or bullying); Being overly compliant.
<b>Domestic Violence</b>	Depression, withdrawal, crying or violence; Feelings of worthlessness about life and themselves, extremely low self-esteem, self-abuse, or self-destructive behaviour; Extreme attention-seeking behaviour and other behavioural disorders (i.e. disruptiveness, aggressiveness or bullying); Being overly compliant.
<b>Neglect</b>	Inappropriate or inadequate shelter or accommodation, including unclean and unsanitary living conditions; Weight loss; Requesting, begging, scavenging or stealing food; Being very hungry or thirsty; Inadequate supply of fresh food; Constant fatigue, listlessness or falling asleep; Dropping hints that appear to be about neglect; Extreme longing for company; Poor hygiene or poor grooming – overgrown fingernails and toenails, unclean hair, unshaven, unbathed, wearing dirty or damaged clothing; Inappropriate or inadequate clothing for the weather; Unattended physical problems, dental, and/or medical needs; Social isolation; Loss of social and communication skills; Removal of means of communication; Displaying inappropriate or excessive self-comforting behaviours
<b>Financial Abuse</b>	Sudden decrease in bank balances; No financial records or incomplete records of payments and purchases; Person controlling the finances does not have legal authority; Sudden changes in banking practices; Sudden changes in wills or other financial documents; Unexplained disappearance of money or valuables; Inadequate amount of money to meet budget; Denied outings and activities due to lack of funds; Borrowing, begging and stealing money or food.

Dot to Dot ensures that workers will respond immediately to all incidents to ensure the health, safety and wellbeing of people with disability by:

1. Assessing and mitigating any immediate risks to other people with disability that could be impacted by the incident; and
2. Determining whether the incident is or may be a reportable incident.

To ensure safety immediately after an alleged or suspected criminal conduct toward a person with disability or where there is ongoing danger, Dot to Dot will:

1. Ensure the impacted person is safe from harm.
2. Contact the Police if there is a risk of immediate harm which requires their assistance.
3. Contact the ambulance if someone is injured.
4. Notify key personnel and NDIS Commission if required.

Note: An impacted person may decide not to participate in a victim interview or provide witness statement regarding the alleged offence, Dot to Dot will respect the impacted person's decisions.

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## **Recording and Storing Information**

Dot to Dot will maintain Privacy and Confidentiality as per procedure.

Records related to the worker involved will be kept confidential and accessible only to the director and reporting worker only. All documentation related to the incident will be kept together. Dot to Dot retains documents for 7 years.

All correspondence following all incidents will be retained and any statements made by impacted person to deny, correct remarks, statements or claims will be recorded. Meetings between Dot to Dot and the person with disability will also be recorded with details of the date, items discussed and names of those present. Paper, electronic, oral discussion notes (including phone call) will be dated and filed.

## **Assessing the Incident**

Director and worker will determine:

1. Why the incident occurred
2. Whether the incident could have been prevented
3. How well the incident was managed and resolved
4. What, if any, regulatory action needs to be undertaken to prevent further similar incidents from occurring, or to minimise impact
5. Whether other person or bodies need to be notified of the incident.

A post incident assessment will be undertaken for all incidents, including reportable incidents. The detailed assessment will include details outlining cause of the incident, its effect on the person with disability and any operational issues that may have contributed to its occurrence. This information will be stored and protected as per privacy and confidentiality procedure.

## **Procedure following the incident**

Dot to dot has a procedure in place to identify when corrective action should be taken in response to an incident and the nature of such action. Incidents provide an opportunity to review practices and procedures and identify where improvements in Dot to Dot's service quality and safety can be made. Examples of corrective action aimed at reducing the likelihood of the same type of incident occurring in the future are as follows:

1. Training and education of workers; and
2. Modification of the environment; and
3. Development or amendment of a policy or procedure; and
4. Changes in the way in which support services are provided; and
5. Disciplinary action for the worker involved in the incident including ongoing performance reviews, imposing a probationary period, or termination of employment.

Restorative actions aimed at repairing the relationship with the person with disability may include:

1. Provision of ongoing support to the person with disability impacted by the incident; and
2. Giving an apology to the person with disability involved in the incident.

Dot to Dot aims to decrease the likelihood of similar incidents from occurring and to continue providing support to the person with disability.

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