

Incident Management

Policy Purpose

This policy is to ensure that each NDIS participant is safeguarded by our incident management process, ensuring that incidents are acknowledged, responded to, well managed, and learned from.

Policy Statement

We are committed to protecting the safety and wellbeing of participants receiving a service from us.

Our incident management process links closely with our risk management and continuous improvement processes.

The Incident Management policy aims to achieve the following:

- We maintain an incident management system that complies with the requirements set out under the *National Disability Insurance Scheme (Incident Management and Reportable Incidents) Rules 2018*.
- NDIS participants accessing services from us are provided with information on incident management, including how incidents involving them have been handled and addressed.
- We show continuous improvement in managing incidents by regular review of our incident management policies and procedures, while also examining the root causes of incidents, their handling, and their outcomes. In doing this, we seek participant feedback, and feedback from other stakeholders within and external to Kindbright Care Services.
- We ensure we comply with our incident management policy and procedures and seek training in this where applicable.

We commit to understanding our policy and the actions we would be required to take in the event of an incident.

Kindbright Care Services is committed to responding to incidents appropriately to improve our practice.

Incident Management Procedure

Kindbright Care Services ensures that all workers are trained in our incident management procedure at induction and on an ongoing basis.

Kindbright Care Services records and manages all incidents that happen in the delivery of NDIS supports and services in line with the *NDIS (Incident Management and Reportable Incidents) Rules 2018*.

An incident is *any acts, omission, events, or circumstance that occurred in connection with providing supports to a participant and has, or could have, caused harm*.

Examples of incidents are included in *Attachment A*.

An alleged incident is treated in the same manner as all other incidents, including reporting requirements.

Under the rules are three types of incidents that are covered by our Incident Management policy:

1. Acts, omissions, events, or circumstances that occur in connection with providing supports to participants and that have, or could have, caused harm to a participant;
2. 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. Reportable Incidents.
 - Under the *National Disability Insurance Scheme Act 2013* and *National Disability Insurance Scheme (Incident Management and Reportable Incidents) Rules 2018*, Kindbright Care Services is required to notify the Commission where an incident is deemed to be Reportable under the rules associated with the Act.

For an incident to be reportable a certain act or event needs to have happened (or alleged to have happened) in connection with the provision of supports or services.

This includes:

- 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 with disability for sexual activity
- Unauthorised use of restrictive practices in relation to a person with disability.

Incident Management Response

Our Incident response plan includes:

- Immediately taking actions after an incident to ensure the health, safety and wellbeing of a person involved in an incident, including if possible isolating and observing the participant, applying first aid, and/or calling an ambulance.
- Assessing and mitigating any immediate risks to other people with disability that could be impacted by the incident.

Assessing incidents

The Director will then ensure an ***Incident Management Form*** is completed, and make the following decisions, including:

- Whether the incident is a 'reportable incident' under the NDIS rules, and the NDIS Commission and key personnel should be notified.
- Additional actions required in regard to managing and addressing the incident, including actions that would prevent recurrence of the incident.
- Whether the police need to be contacted (any allegation of a crime having been committed requires a notification to the police).
- Whether there is mandatory reporting in the case of child protection.
- Contacting the next of kin/chosen supporters in the case of all Incidents, involving death, serious injury, abuses, neglect, unlawful sexual or physical contact, or sexual misconduct.

Record

Details of the incident are recorded on the ***Incident Register*** and an ***Incident Management Form***. The information recorded needs to identify investigation details, development of the resulting action plan (including timeframes, persons responsible, and required actions), updating of investigation progress, and finalising documentation when the incident is closed.

If the incident is a **Reportable Incident**, then additional reporting is required – refer to 'Process - Reportable Incidents' section of this procedure.

Records of all incidents should be kept for at least 7 years.

Incident Management and Resolution

The Director ensures that the incident is managed including the provision of any other supports as required.

Investigations and outcomes are documented on the **Incident Management Form** and the **Incident Register**. Corrective Actions are recorded on the **Continuous Improvement Register** if required.

Investigations undertaken by Kindbright Care Services, either self-instigated or ordered by the Commission, will include affected participants as appropriate, and will always seek to establish:

- 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.

Reporting, recording and review

As part of the review of incidents, the Director is also responsible for:

- Analysing and reviewing incidents to identify trends and systemic issues
- Liaising with Police if a crime has been committed or alleged
- Notifying appropriate bodies, including coroners and police in case of a death
- Liaising with internal and external investigators of incidents as required
- Engaging external investigators for incidents as required
- Undertaking internal investigations of incidents

- Ensuring staff (as applicable) and all participants have a copy of the Incident Management policy
- Ensuring all stakeholders understand they can report directly to the Commission if they believe it is warranted
- Ensuring implementation of actions identified as a result of an incident.

Process – Reportable Incidents: National Disability Insurance Scheme Act 2013

Kindbright Care Services’s Director is responsible for reporting incidents that are reportable incidents to the NDIS Commission.

Refer: <https://www.ndiscommission.gov.au/providers/provider-responsibilities/incident-management-and-reportable-incidents> and [Attachment B for timeframes for reporting for categories of reportable incidents.](#)

Reportable Incident response Plan

Step 1	<p>Notify the Commission</p> <p>The <i>Immediate Notification Form</i> must be submitted via the NDIS Commission Portal within 24 hours of key personnel becoming aware of a reportable incident or allegation.</p> <p>The <i>Immediate Notification Form</i> includes a number of sections and questions, concerning details of the reportable incident, actions taken in response to the incident and the individuals involved in the incident.</p> <p>An exception to this rule is notifying the NDIS Commission of the use of a restrictive practice that is unauthorised or not in accordance with a behaviour support plan. In these instances, the provider must notify the NDIS Commission within five business days of being made aware of the incident. If, however, the incident has resulted in harm to a person with disability, it must be reported within 24 hours.</p>
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To notify the NDIS Commission of an incident the authorised 'Notifier' or 'Approver' needs to login to the NDIS Commission Portal and select 'My Reportable Incidents' tile at the top of the screen. From here, you will be able to complete an Immediate Notification Form.

Kindbright Care Services's '**Authorised Reportable Incidents Approver**' is responsible for the review and submission to the NDIS Commission. This is the position responsible for reporting Reportable Incidents to the Commission.

Kindbright Care Services will allocate a supporting team member '**Authorised Reportable Incidents Notifier**' to assist the 'Authorised Reportable Incidents Approver' to collate and report the required information. The authorised 'Notifier' will have the ability to create new Reportable Incident notifications to be saved as a draft for review and submission by the authorised 'Approver'. The authorised 'Notifier' will need to inform the authorised 'Approver' that the Incident is awaiting their review and submission. The 'Notifier' can also view past Reportable Incidents they have created through the page.

Step 2

Submit a 5 Day Form

The 5 Day form must be submitted via the 'My Reportable Incidents' portal **within five business days** of key personnel becoming aware of a reportable Incident. This provides additional information and actions taken by the NDIS registered provider.

The five-day form is also to be used for incidents involving the unauthorised use of a restrictive practice, other than those resulting in immediate harm of a person with disability.

Step 3	<p>Submit a final report, if required</p> <p>If required to submit a final report, we will access the final report fields on the NDIS Commission Portal for that incident and assess:</p> <ul style="list-style-type: none"> • The impact on the NDIS participant. • Whether the incident could have been prevented. • How the incident was managed and resolved. • What, if any, changes will prevent further similar events occurring. • Whether other persons or bodies need to be notified. <p>If requested by the NDIS Commission, we will take appropriate remedial measures such as additional staff training and development or improved services to support NDIS participants and updating policies and procedures.</p>
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**This table has been adapted from the NDIS Quality and Safeguards Commission’s Guidance on Incident Management ‘Incident Management System Guidance’*

Using, as a basis for information, the **Incident Management Form**, the Director will provide the Commission with:

- Name and contact details of Kindbright Care Services;
- Name and contact details of the Director;
- A description of the incident;
- Except in the case of the death of a person with disability, a description of the impact on, or harm caused to, the person with disability;
- Immediate actions undertaken, including actions taken to ensure the safety and wellbeing of the participant, and whether the incident has been reported to police or other bodies;
- Any witnesses to the incident;
- Actions proposed to remedy factors that contributed to the incident.

Notifications made by Kindbright Care Services’s Director will be by telephone, and followed up in writing, using the NDIS Commission forms.

It should be noted that the following elements do not have to be provided to the Commission by Kindbright Care Services's Director if the reporting will prejudice the conduct of a criminal investigation or expose a person with disability to a risk of harm:

- A description of the incident
- The impact or harm caused to a person with disability
- Time, date, place where the incident occurred
- Others involved in the incident, including their names and contact details
- Witnesses, including their names and contact details.

The Director must also notify the Commission via the NDIS Commission Portal as soon as possible if:

- New information in relation to the incident emerges which relates to a change in the kind of reportable incident, or is a further reportable incident.

Reportable Incidents: Additional responsibilities and reporting requirements

The Director must attend the site when a **Reportable incident** has occurred.

They must then:

- In consultation with the participant (or decision maker) organise an advocate for the participant, as applicable. See: [disability advocacy finder](#)
- In consultation with the participant (or decision maker) identify support services for the participant (for example, debriefing, counselling, sexual assault services) and arrange for connection
- Organise debriefing for the NDIS participant or any staff/workers, as required.
- Review the **Incident Management Form**
- File a copy of the **Incident Management Form** on the NDIS participant's file.

Following completion of these actions, the Director will:

- Maintain contact with next of kin/chosen supporters, support services and police in relation to incidents;

- Work to engage affected NDIS participants and their supporters in the resolution process;
- Participate in external and internal reviews of incidents;
- Identify opportunities for improvement;
- Review, and implement changes to systems and support plans following an incident;
- Encourage feedback from participants in relation to the Incident Management policy and procedures to support quality improvement processes;
- Ensure Kindbright Care Services complies with the Incident Management process and provides referral for further training if gaps are identified;
- Ensure all incident management forms and associated materials are kept securely on file, as well as outcomes of reviews;
- Identify recommendations on improvements which could be implemented to reduce recurrence of the incident;
- Participate in police investigations in relation to some incidents;
- Participate in further training and/or skills development as a result of the incident.

The Director must also, within **60 business days** of the reporting of the incident, provide the Commission with a completed form, which sets out the details of any internal or external investigation undertaken in relation to the incident, including:

- The name and position of the person who undertook the investigation; and
- when the investigation was undertaken; and
- details of any findings made; and
- details of any corrective or other action taken after the investigation;
- a copy of any report of the investigation or assessment;
- whether persons with disability affected 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 Commissioner.

The Director must coordinate any requests made of Kindbright Care Services by the Commission, including actions required, and investigations undertaken by the Commission.

Applicable forms and registers related to Incident Management Policy and Procedure

- Incident Register
- Incident Management Form

Applicable legislation related to Incident Management Policy and Procedure

- *NDIS (Incident Management and Reportable Incidents) Rules 2018*

Document Control

Policy and Procedure	Version:	Revision Date:
Incident Management	2021	3/3/2021
Approved by:	Signature:	Date Approved:
Director		3/3/2021

Attachment A – Identifying the different types of incidents

Incident Type	Behaviour indicators and physical signs
Physical abuse, unlawful physical contact or physical assault	<ul style="list-style-type: none"> • Inconsistent, vague, unexplained, or unlikely explanation for the injury. • Unexplained injuries – broken bones, fractures, sprains, bruises, burns, scalds, bite marks, scratches or welts. • Other bruising and marks that may suggest the shape of the object that caused it. • Avoiding or being fearful of a particular person or worker.
Sexual contact, sexual assault or sexual misconduct	<ul style="list-style-type: none"> • Dropping hints that appear to be about abuse. • Bruises, pain, bleeding – including redness and swelling around breasts and genitals. • Torn, stained, or bloody underwear or bedding. • Repeating a word or sign, such as ‘bad’, ‘dirty’. • Presence of a sexually transmitted disease. • Pregnancy. • Sudden changes in behaviour or character, e.g.: depression, anxiety attacks (crying, sweating, trembling, withdrawal, agitations, anger, violence, absconding, sexually expressive behaviour, seeking comfort and security).

	<ul style="list-style-type: none"> • Sleep disturbances, refusing to go to bed, and/or going to bed fully clothed. • Refusing to shower.
Psychological, emotional or verbal abuse	<ul style="list-style-type: none"> • 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 (e.g.: disruptiveness, aggressiveness, bullying). • Being overly compliant.
Neglect	<ul style="list-style-type: none"> • 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.

	<ul style="list-style-type: none"> • 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.
Financial abuse	<ul style="list-style-type: none"> • 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. • Person does not have enough money to meet their budget. • Person is denied outings and activities due to lack of funds. • Borrowing, begging, stealing money or food.

*This table is an extract from the NDIS Commission Practice guide: Expectations of workers providing services in incident management and reporting incidents June 2019 NDIS Commission.

Attachment B – Reportable Incident Timeframes

What to report	Timeframe
Death of a person with disability	24 hours
Serious injury of a person with disability	24 hours
Abuse or neglect of a person with disability	24 hours
Unlawful sexual or physical contact with, or assault of a person with disability	24 hours
sexual misconduct committed against, or in the presence of, a person with disability, including grooming of the person for sexual activity	24 hours
the use of a restrictive practice in relation to a person with disability if the use is not in accordance with a required state or territory authorisation and/or not in accordance with a behaviour support plan.	5 business days

**This table is an extract from the NDIS Commission Incident management and reportable incidents: Incident reporting, management and prevention.*