

Klint Incident Management Policy and Procedures

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SECTION 1: INTRODUCTION

1.1 Policy overview

Klint will promote the health, safety, welfare and well-being of its clients and meet its professional and legal responsibilities by ensuring incidents are appropriately:

- identified and recorded
- assessed to determine corrective and / or harm minimisation strategies
- investigated where necessary
- followed up in a timely manner and to ensure satisfactory outcomes are achieved
- considered against legislative / funding body requirements / guidelines (including the *NDIS Quality and Safeguards Commission: Incident Management Systems*) and acted upon / reported as required
- shared where appropriate to assist with quality improvement.

Further, Klint will meet its professional and legal responsibilities by ensuring any suspected abuse is appropriately assessed and considered against set guidelines and reported as required.

Every person within our service has the right to feel safe and respected at all times.

All staff will receive initial and refresher training on Incident Management, including mandatory reporting. Refer to *Annual Training Plan*. A current copy of Klint's Incident Management Policy and Procedures is uploaded onto the Klint Website to ensure clients, carers and employees can easily access a most up-to-date copy. NDIS participants are also made aware of this policy and provided with opportunities to ask questions during the on-boarding process.

1.2 Outcomes

The Klint Incident Management Policy intend to achieve the following outcomes:

- Risks will be identified and managed to eliminate or minimise any adverse event
- The impact of any incident will be minimised
- Clients / other stakeholders will be satisfied with the outcome of the management of risks and incidents
- Involved workers are aware and accepting of the outcome of the management of risks and incidents
- There will be minimal recurrence of incidents
- Klint's Director and Senior leadership team will be aware of risks and incidents and take the necessary actions to manage such events.

In addition, for suspected incidents of risk of harm to a client, Klint Incident Management Policy will ensure the following outcomes are achieved:

- Klint fulfils its statutory obligations under the relevant Victorian legislation (Refer to Appendix B).

- Klint will feel assured clients identified as "at risk" will receive assistance through the authorities responsible.
- Klint staff will feel supported by management through the mandatory reporting process.

1.3 Related Policies / Documents

- Feedback and Complaints Management Policy
- Safe Management and Environment Policy
- Risk Management Policy
- [NDIS Procedural Fairness Guidelines 2018](#)
- Risk Management Register
- Service Delivery Model
- Incident and Complaint Form
- Incident Investigation Form
- NDIS Reportable Incident Form

1.4 Definitions

Incident event or situation that could have resulted in harm to an individual or to the business. This includes, but is not limited to:

- Injury and / or near-miss to client
- Injury and / or near-miss to workers
- Acts by a person that did or may have caused serious harm
- Complaint or negative feedback about the service
- Actual or suspected abuse of client / others
- Breach of privacy / other client rights eg restrictive practice
- Less than expected therapeutic outcome
- Damage to equipment / goods
- Breach of statutory obligations

Note: NDIS Definition

“An incident is defined as an act, omission, event or circumstance. It may mean any of the following:

- Acts, omissions, events or circumstances that occur in connection with providing NDIS supports or services to a person with disability and have, or could have, caused harm to the person with disability
- Acts by a person with disability that occur in connection with providing NDIS supports or services to the person with disability and which have caused serious harm, or a risk of serious harm, to another person
- Reportable incidents that have or are alleged to have occurred in connection with providing NDIS supports or services to a person with disability”

Accident event or situation that resulted in harm to an individual or damage to property

Risk something that could potentially lead to an incident or accident

For the purpose of this policy, incidents and accidents will be referred to as “incident” for ease of reading.

SECTION 2: IDENTIFYING & RESPONDING TO INCIDENTS

This section outlines the steps to follow when staff is involved with an incident at Klint.

See also:

- Section 6 if incident relates to suspected abuse
- **Feedback and Complaints Management Policy** if the incident is feedback / a complaint

2.1 Identifying Incidents

While some incidents are obvious (eg a client fall) it is also important to understand that not all incidents may be so readily identified. Section 3.1 of the NDIS Commission Incident Management Systems: Detailed Guidance for Registered NDIS Providers June 2019 provides guidance to Klint and its staff to consider potential indicators and signs associated with particular types of incidents. While it is acknowledged that this is not an exhaustive list, staff will be educated to assist them with better identifying incidents or potential incidents.

2.2 Notifying process for all incidents

- Practice Manager is to be notified of all incidents as soon as practical. If the Practice Manager is not available, your Clinical Lead is to be notified of the incident as soon as practical.
- An Incident and Complaint Report form is to be completed by the staff involved within 48 hours of the incident. The report must include all necessary factual details, immediate actions that have been taken, any identified / planned follow-up actions, any reports made to other bodies.
- Submit the Incident and Complaint Report form to the Practice Manager.
- The Practice Manager will record the incident in the Klint Incidents and Complaints Register.
- For all incidents, actions are to include as a minimum:
 - Ensure procedural fairness is afforded to all affected person/s. This includes giving the person a reasonable opportunity to be heard and put forward information, and all decisions made are unbiased and soundly based on the facts that were raised.
 - Providing support to the affected person/s
 - Consideration by the Senior Leadership Team, in conjunction with the Director, if the incident is reportable and if police / other agencies should be involved, and actions then taken as appropriate
 - When, how and with whom follow-up will occur
 - Risk assessment of the incident, including seeking feedback from involved parties e.g. Client, workers
 - Evaluation / review at the conclusion of the incident to ensure involved parties are satisfied with the outcome
 - Consideration of what people / process / policy changes could be made to improve Klint's systems (refer to 2.5 Outcomes of incident reviews' below).

2.3 When a client incident / injury occurs

- Respond to immediate needs and re-establish a safe environment. Make sure client, worker and any others present are safe
- If required, call emergency services to assist, seek medical attention, commence first aid
- Contact the appropriate emergency contact or 'significant other' (eg parent / spouse / son / guardian) as soon as practicable
- Determine what support the client and / or their family require and how this can be best delivered. This includes asking them if they want the support of an advocate.
- Consult with the client and / or their family on how to satisfactorily resolve the issue and what could have been done to prevent it occurring.
- Keep the client informed of progress on the incident.
- If a client / client is involved and receives funding from a government body (e.g. NDIS*, icare, DVA), the Director will review the requirements and complete the required reporting i.e. Notifiable Incidents (refer to Appendix A)
- If the incident could lead to any potential litigation, Klint's professional liability insurer must be informed. The Director will do so if required.

2.4 Incident Investigations

- If required, a formal incident **investigation** will be conducted (use the *Incident Investigation Form on Power Diary*) to explore in more detail why an incident occurred and if any steps are required to prevent it occurring again. As a **minimum**, incidents requiring investigation include:
 - Any 'Notifiable' incident (refer to Appendices A and B for what needs to be reported, to whom and how)
 - Any mandatory report made (see Section 6 below)
 - Any incident that could lead to potential litigation.
- Note:** If police are involved in the incident, no internal investigation is to commence until the police investigations are complete
- The Director is to be informed as soon as practicable of any incident **investigations** and their outcomes

2.5 Outcomes of incident reviews

- Outcomes of formal or informal assessments / investigation could include:
 - Further training of staff / others involved
 - Reviewing and enhancing policies and / or procedures
 - Changes to the environment / delivery mode for support services
 - Client (and/or his/her family) and Provider agree to accept the risks inherent in support delivery to achieve goals

2.6 Follow-Up / Review

- Actions will be monitored by the Practice Manager and updates on progress will be added to the register until the incident is satisfactorily concluded.
- The SLT will review the management of all incidents to monitor for recurrence and themes to ensure potential and related incidents are minimised or eliminated.
- Incident reports and all related documents are to be kept for 7 years from date of incident.

SECTION 3: MANDATORY REPORTING OF SUSPECTED INCIDENTS OF RISK OF HARM TO A CLIENT

3.1 Steps to follow for suspected incidents of risk of harm to a client

For all suspected incidents of risk of harm, the following steps are to be taken. Any specific requirements for children, adults or aged clients are listed below these, as are the documentation requirements.

Staff member who suspects a person (child, adult, aged person) may be at significant risk of harm is to determine if a report may have been made by other members of the support team (e.g. his / her Case Manager, NDIS Support Coordinator). If written evidence of the report having been made is provided, there is no further requirement for a report to be made. If no report has been made the following steps are to be followed:

- I. The treating therapist is to make observations regarding the client / client to collect as much information as possible about the situation - if safe to do so.
 - a. The therapist must note there are certain circumstances in which certain information relating to reporting incidents do not need to be obtained or notified to the Commissioner if obtaining the information would, or could reasonably be expected to prejudice the conduct of a criminal investigation; or, expose a person with disability to a risk of harm. The list of circumstances and information are accessible via the [National Disability Insurance Scheme \(Incident Management and Reportable Incidents\) Rules 2018](#)
- II. Record information in the client notes.
- III. Notify the Practice Manager.
- IV. As soon as practicably possible, but within at least 24 hours
 - a. review the situation against the appropriate legislation / guides (as per Groups A-D below).
 - b. complete Klint's *Incident and Complaint Form*. Where possible, this is to include additional details.
- V. The treating therapist, with Practice Manager or Clinical Lead support (whichever is more relevant to the case), is to assess the situation using the appropriate guidance material (as per Groups A-D below) and / or seeking assistance from the relevant authority or Victorian Police.
- VI. If a decision is made that mandatory reporting is required, the Director must be contacted. He will assist with the reporting process.
 - a. The Director, with assistance from the therapist involved in the incident and the Senior Leadership Team, is responsible in ensuring the Commissioner is kept updated on the reportable incident in writing if Klint becomes aware of significant new information in relation to the incident.
- VII. If after reference to the relevant guide / policy the matter is considered **urgent** it will be reported to the appropriate service by the required method.
- VIII. If the risk is considered non-imminent, an online report will be completed.

- IX. Klint will assist with any investigation or action undertaken by the department or other authorised bodies as a result of the report.
- X. Klint will monitor progress and add actions / development to the completed incident form until the matter is resolved or closed. Reporting and monitoring shall be as per the Incidents and Complaints management system.

3.2 Mandatory reporting guidelines by client cohort

Klint has identified four groups (A-E) where various requirements will need to be met / followed.

Group A Clients being funded by NDIS

NDIS require to be reported:

“Reportable incidents are serious incidents or alleged incidents which result in harm to an NDIS client and occur in connection with NDIS supports and services. Specific types of reportable incidents include:

- 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 (excluding, in the case of unlawful physical assault, contact with, and impact on, the person that is negligible).
- Sexual misconduct committed against, or in the presence of, a person with disability, including grooming of the person for sexual activity.
- The use of a 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 or a behaviour support plan for the person.”

[NDIS Commission Incident Management Systems: Detailed Guidance for Registered NDIS Providers June 2019](#)

The procedures for NDIS Incident Management are outlined in Appendix A. Also refer to Group C below as these resources are also useful for NDIS participants eg for access to **advocacy services**. If it is a child, you also need to report as per Group B below.

Group B All children aged from birth to 18 years regardless of funding source

Specific requirements for children

- I. If there are concerns the child's health or life is at **imminent risk**, contact the **police** by calling **000**.

In other situations, the following steps are to be taken:

- II. Assess the situation using the following link <https://providers.dhhs.vic.gov.au/mandatory-reporting>
- III. If the matter is considered **urgent** (using the above link) submit a report by phone to the Child Protection Helpline on **132 111**.
- IV. If you have significant concerns for the wellbeing of the child, but do not believe they are at risk of significant harm and the immediate safety of that child will not be compromised, a referral to Child FIRST or The Orange Door may be appropriate. See link for contact details <https://providers.dhhs.vic.gov.au/mandatory-reporting>.

Group C Disability clients aged 16 to 65 not being funded under NDIS

For non-government funded *clients with a disability* aged 16-65

Advice is to be sought from:

- the National Disability Abuse and Neglect Hotline can receive complaints and provide access to advocacy – phone 1800 880 052
<https://www.jobaccess.gov.au/people-with-disability/do-you-need-report-abuse-or-neglect-people-with-disability>
- Victorian Police Force can investigate all crimes, including assault, theft and fraud

Assistance for the client to access an advocate as required can also be found here <https://providers.dhhs.vic.gov.au/disability-advocacy-organisations>

Group D Older clients aged 65 and over

Background

Specific requirements for clients aged over 65

- I. If you witness, are told about or suspect elder abuse is occurring, seek advice from either
 - a. The national 1800 ELDERHelp (1800 353 374) line (free call). They provide information on how you or the person involved can get help, support and get referrals.

Group E Klint staff and visitors

If a **staff member or in-clinic visitor** is harmed, an incident report will need to go to WorkSafe Victoria.

<https://www.worksafe.vic.gov.au/incident-just-happened>

SECTION 4: APPENDICES

4.1 Appendix A: NDIS Processes for Reporting Incidents

In the box below is an extract from the NDIS Quality and Safeguards Commission. It outlines the reporting requirements to the NDIS including **timeframes and required forms**.

Klint therapists will use the NDIS Reportable Incident Form templates.

Extracted 20 August 2020

<https://www.ndiscommission.gov.au/providers/incident-management-and-reportable-incidents>

“How to notify the NDIS Commission about a Reportable Incident”

Registered NDIS providers should use the NDIS Commission Portal 'My Reportable Incidents' page to notify and manage all reportable incidents and must complete the following steps.

STEP 1. Notify the NDIS Commission

- Submit an NDIS Immediate Notification Form via the NDIS Commission Portal within 24 hours of key personnel becoming aware of a reportable incident or allegation.
- The NDIS Immediate Notification Form 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.
- 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 behavior 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.
- 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.
- The NDIS Commission suggests the 'Authorised Reportable Incidents Approver' is the person you want to have the authority to review and be responsible for submission to the NDIS Commission. This could be the person specified in your incident management system who is responsible for reporting incidents to the NDIS Commission. The authorised 'Approver' will have the ability to submit new Reportable Incidents and view previous Reportable Incidents submitted by their organisation.
- The NDIS Commission suggests the 'Authorised Reportable Incidents Notifier' is a supporting team member who can 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 NDIS 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. Submit a final report, if required

- You may be required to provide a **final report**. When this is the case, the NDIS Commission will notify you via email and tell you the date this is due.
- If you are required to submit a final report, you will have access to the final report fields on the NDIS Commission Portal for that incident.

There are key considerations for registered NDIS providers. In all cases, providers must assess:

- 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.

Where appropriate, the NDIS Commission may require a provider to take remedial measures. The NDIS Commission may work with the provider to implement these measures, and monitor progress. Remedial measures may include, but are not limited to, additional staff training and development or improved services to support NDIS participants and updating policies and procedures.

For further information including hints and tips, please refer to the [Reportable Incidents Frequently Asked Questions.](#)"

What to do if you cannot report with the NDIS Commission Portal?

On occasion providers may experience difficulty accessing, using or submitting via the NDIS Commission portal 'My Reportable Incidents' page. This may occur when:

- The registered NDIS provider does not have access to PRODA
- The registered NDIS provider does not have access to the NDIS Commission Portal
- There is a technical IT issue the user cannot resolve with the quick reference guides or with the available support and it is outside of business hours
- The NDIS commission portal is unavailable due to system updates and maintenance
- In these circumstances, providers must take all reasonable steps to resolve the issues within the required timeframe by calling the NDIS Commission for support.

Outside of business hours and if all reasonable steps have been taken, a provider should advise the NDIS Commission of these issues as soon as possible via email to reportableincidents@ndiscommission.gov.au with an email that includes:

- The steps taken to complete the authorised NDIS notification form and the presenting issue
- The name of the impacted person
- Describe the immediate response and step taken to ensure the impacted person was safe
- Brief description of the reportable incident
- Whether other authorities, such as the police, were notified
- You will receive an automated response from the NDIS Commission acknowledging receipt. As soon as practical, you will need to progress completion of the NDIS Immediate Notification Form. If you continue having difficulties, please refer to the website for detailed guidance or contact the Commission on 1800 035 544.
- If the NDIS Commission portal or "My Reportable Incidents" page is unavailable for a period the NDIS Commission Reportable Incidents team may:

- Provide an authorised NDIS form and request the information is submitted via the reportableincidents@ndiscommission.gov.au address; or
- Take the 24 hour notification or further information over the phone.

4.2 Appendix B: Mandatory reporting of child abuse and neglect

The following website is a useful resource for explaining what is required in each jurisdiction. It also has key contacts per state / territory and guidelines to assist staff.

<https://aifs.gov.au/cfca/publications/mandatory-reporting-child-abuse-and-neglect>