

SECTION 1 - INTRODUCTION

1.1 BACKGROUND

The National Disability Insurance Scheme (NDIS) has developed the ‘NDIS Practice Standards’ to ensure that all NDIS registered service providers in Australia adhere to the national quality standards. Implementation of the ‘NDIS Practice Standards’ ensures that all NDIS registered service providers in Australia can meet these standards and fulfil their obligations under the National Disability Insurance Scheme (Provider Registration and Practice Standards) Rules 2018. The Incident Management and Reportable Incidents Management Procedures policy refers to a range of outcomes and quality indicators outlined in Schedule 1 Core Module - Part 2. Governance and Operational Management - Incident Management. The procedures under this policy provide guidelines for reporting, investigating, and providing appropriate solutions when incidents occur to the participants and or to staff.

1.2 PURPOSE

- To promote and maintain safety for people who live with a disability
- To ensure that the staff of Fairstart Early Intervention and Fairfield Leisure Centres (as an NDIS registered provider) are able to manage, report and resolve incidents that occur to the participants or to themselves.
- To reflect and adapt current practices in order to prevent incidents from occurring

1.3 SCOPE

- This Policy applies to staff and clients from Fairstart Early Intervention and Fairfield Leisure Centres.
- NDIS Commission mandates to receive reports of incident in connection to NDIS workers and providers and NDIS participants.
- All reportable incidents will also need to follow reporting in QMP-FS-03.8 Child Protection Procedure and QMPOL-CS-035 Child Protection Policy to the Child Protection helpline.
- If the incident is not in connection to Fairfield City Council NDIS Service Delivery or NDIS workers from other organisations, reporting needs to only follow QMP-FS-03.8 Child Protection Procedure Child Protection Procedure and QMPOL-CS-035 Child Protection Policy to the Child Protection helpline.

1.4 DEFINITIONS

Word/Term	Definition
Incident:	An incident is defined as an act, omission, event or circumstance.
Omission:	Someone or something that has been left out or excluded.
Report or Reporting:	To make a complaint (or give a description) to a person in authority about something or someone.

Service Provider:	A service provider is a person, business or organisation who delivers funded services.
Fairfield Leisure Centres	Fairfield City Council Leisure Centres -Active Recreation Rehabilitation
Client:	Child, Parent, Family Member, Guardian or any other person receiving services from Fairstart Early Intervention.
NDIS Commission	The NDIS Quality and Safeguards Commission
In connection with the provision of NDIS supports	Services delivered by an NDIS worker by ours or another organisation

1.5 LEGISLATIVE CONTEXT

- The *National Disability Insurance Scheme Act 2013 (NDIS Act)* provides the legislative basis for the provision of services to all NDIS participants in Australia.
- The *Disability Services Act 1993 (NSW)* provides the legislation regarding the provision of disability services for participants with disabilities in NSW.
- The *UN Convention on the Rights of Persons with Disabilities and the National Disability Insurance Scheme Act 2013* enable greater community access to national disability insurance services in Australia. The Act protects and prevents individuals from experiencing harm that can arise from poor quality or unsafe supports and services provided under the National Disability Insurance Scheme.

Other relevant legislation includes:

- [Reportable Conduct Scheme NSW](#)
- The Children and Young Persons (Care and Protection) Act (1998).
- Children and Young Persons (Care and Protection) Regulation (2000).
- Work Health and Safety Regulation (2017).

1.6 STAKEHOLDERS

This Policy will benefit all clients of Fairstart, including children with a disability and their families who are service users of Fairstart Early Intervention as well as service provider staff.

SECTION 2 – POLICY

2.1 OBJECTIVE AND GOALS

Fairstart Early Intervention has developed an incident management system to provide guidelines for staff to report, manage and apply corrective actions for incidents that occur to the participants or to others. The incident management system will do the following:

- Ensure incidents are formally reported and followed up by corrective actions
- Provide support and/or services to people with a disability who have been affected by the incident.
- To guide the service provider staff on how to report and manage an incident
- Educate Families and other stakeholders on how to formally report an incident to Fairstart Early Intervention

2.2 POLICY STATEMENT

To ensure reporting and incident management systems are established by the service provider to protect the welfare and safety of individuals who have a disability.

2.3 APPLICATION & IMPLEMENTATION

The Incident Management System:

- Covers acts, omissions, events or circumstances that occur **in connection** (including alleged incidents) **with Fairstart Early Intervention services** provided to a person with a disability and have, or could have, caused harm to the person with a disability.
- Covers acts by a person with a disability **that occur within Fairstart Early Intervention provision of services**, which have caused serious harm, or a risk of serious harm, to another person.

Fairfield City Council will

- Provide staff with a clear ethical framework for their professional behaviour and interactions with clients through training opportunities and the implementation of policies and procedure
- Ensure that information about Fairstart Early Intervention reporting and Incident management system is available to current and potential service users, referral and partner agencies and the community

IMPLEMENTATION

- Risk management strategies will be implemented to minimise or remove the risk of harm arising from activities or events across multiple domains. Risk management strategies may include workplace inspections, risk assessments, PEEPs, incident reporting to Community Services and investigations. This will ensure the safety and physical protection of clients.
- Staff working with disability will be made aware of their duty of care obligations through orientation processes and ongoing training including NDIS Worker Orientation modules, Work Health and Safety, Code of Conduct training (NDIS and Fairfield City Council and Incident Reporting Training).

SECTION 3 – GOVERNANCE

3.1 RELATED POLICIES/PROCEDURES/ GUIDELINES

Policy Number	POLICY NO 0-132 Child Safe Policy QMPR-CS-006 Serious Incident Reporting Process QMPOLE-CS-005 Child Protection Policy
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	QMPOL- FS-01.1 Human Rights QMPOL-FS- 01.2 Fairstart and NDIS clients Feedback and complaints Policy QMPOL-FS-02.1 Governance and Management Policy FCC Disability Inclusion Action Plan (DIAP) QMPR-FS-3.1 Client Risk Assessment Procedure NDIS Practice Standards and Quality Indicators 2021
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3.2 RESPONSIBILITY

Policy Owner	Children and Family Services
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3.3 RISK

Risk of harm to people living with a disability

3.4 VERSION CONTROL AND CHANGE HISTORY

Version Number	Approval Date	Approved by	Amendment
01	May 2020	CFS Manager	New policy, created to fulfill procedures in line with NDIS practice standards
02	February 2022	CFS Manager	Clarification according to reporting to the NDIS commission re – ‘in connection with provision of NDIS supports’
03	October 2022	CFS Manager	Added Fairfield Leisure Centres to Policy and Add Child Safe legislation and Policy

The Management of Council reserves the right to cease, modify or vary this Policy and will do so per the Council's established consultation processes.

REVIEW DATE

Every 5 years or when a change to governing legislation occurs, whichever sooner

AUTHORISATION

CFS Manager

SECTION 4 – PROCEDURES

4.1 PROCEDURE

Classifications of Reportable Incidents:

- The death of a person with a disability
- Serious injury of a person with a disability
- Abuse or neglect of a person with a disability
- Unlawful physical contact or assault of, a person with a disability
- Sexual misconduct committed against, or in the presence of, a person with disability, including grooming of the person
- The use of a restrictive practice in relation to a person with disability that is unauthorised use or not in accordance with a behaviour support plan

Managing Reportable Incidents (Incident Management):

Timeframes to notify the NDIS Commission

All reportable incidents must be reported by key personnel to the NDIS Commission as soon as possible and **within 24 hours** if a person with a disability has been harmed as a result. The reports can be made either by phone or in writing.

An exception to the mandatory reporting guidelines are in the use of a restrictive practice that is unauthorised or not in accordance with a behaviour support plan. In these instances, the registered NDIS provider must notify the NDIS Commission **within five business days** of being made aware of the incident.

Written notification of a reportable incident must be made **within five business days** of the key personnel becoming aware of the incident to provide additional information in addition to that provided in the initial notification. This information should be provided using the Five Day Notification form. This form is also to be used for incidents involving the unauthorised use of a restrictive practice, other than those resulting in serious injury to a person with disability.

PROCEDURE

This procedure will be actioned either

- When omissions, events or circumstances occur **in connection** (including alleged incidents) **with Fairstart Early Intervention services** provided to a person with a disability and have, or could have, caused harm to the person with a disability.
- When an act by a person with a disability occurs **within Fairstart Early Intervention provision of services**, which have caused serious harm, or a risk of serious harm, to another person.

A worker providing services may become aware of a possible reportable incident in numerous ways, including by witnessing signs of possible abuse; disclosure by a person with disability; witnessing the event; or receiving information provided by another person.

When a person with a disability discloses an incident that had occurred in the past, it should be treated in the same way as any other reportable incident, noting that the immediate response may be different.

1. When workers become aware of a reportable incident they must report to the Team Leader (or person acting in this position) or the Manager of Children and Family Services **immediately**. The following information must be reported:

- Record the details of what the impacted person (or other person) has told them, using their exact words if possible
- Be sure not to interview the person who allegedly committed the abuse. However, if a worker witnesses any abuse, they must record what they have seen and heard
- Record details of any witnesses
- Record what has been seen and any following actions
- Be sure not to include anything that was not directly heard or seen
- Be sure not to include opinions or interpretations

Workers should give any notes they have taken in relation to an incident to their team leader– unless the team leader or other person is alleged to be involved in the incident or have a potential conflict of interest (for example a personal relationship with the subject of the allegation). If a worker cannot report the incident or give the notes to the team leader, or has further concerns, they should seek advice from the manager of Children and Family Services. Workers should also keep a copy of their notes.

2. The Team Leader / Manager must identify whether the incident is a reportable incident and if it occurred in connection with the provision of NDIS supports.
3. If it is determined that the incident is reportable, the Team Leader must notify the NDIS Commission in writing using the NDIS Commission 'Immediate Notification Form' <https://www.ndiscommission.gov.au/document/1516> or by phone within 24 hours of becoming aware of the incident
4. Fairfield City Council must investigate the incident without breaching the code of conduct and act upon gathered evidence.
5. The Team leader/ Co-ordinator reports an incident to the group manager and HR to initiate investigation
6. The Fairstart Team Leader / CFS Manager must provide a final report of the investigation and outcomes and submit a final incident report to the NDIS Commission within five business days of becoming aware of the incident, using the Five Day Notification form <https://www.ndiscommission.gov.au/document/1521>, via reportableincidents@ndiscommission.gov.au or by phone
7. Corrective actions must be raised where necessary, to ensure this incident does not occur again. Corrective actions may also include debriefing of persons involved in the incident if required.

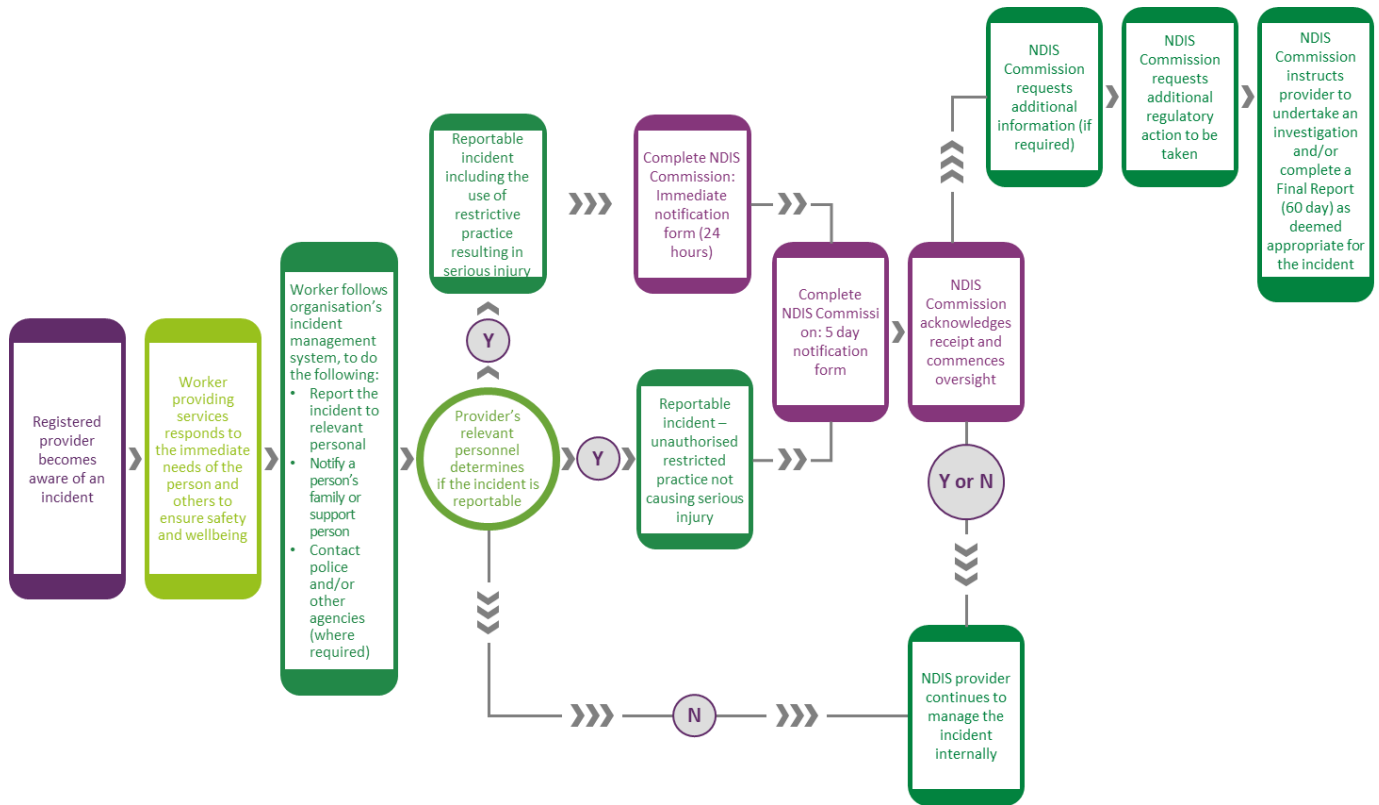
8. Any corrective actions that have been put in place must be reviewed one to three months after being raised

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 registered NDIS 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.

A registered NDIS provider is only required to notify the NDIS Commission of reportable incidents that are connected to the service they are providing. If a registered NDIS provider (such as a support coordinator or allied health professional) witnesses an incident or conduct involving another NDIS provider this should be raised as a concern of 'provider non-reporting' to the reportable incidents team of the NDIS Commission by phone or email. A reportable incident form is not required. This may happen when:

- Provider staff witness or become aware of an incident that is not in connection with the services they themselves are providing, such as seeing a worker of another NDIS provider abuse a person with disability
- Provider staff believe the registered NDIS provider linked to the incident may not have notified the NDIS Commission

The NDIS Commission would then contact the NDIS provider to request a reportable incident notification if no notification had been submitted.



4.2 FORMS AND RECORD MANAGEMENT

NDIS Commission (within 24 hours of incident)

Note to Staff & Service Users: Please refer to the following documents for further details if required:

- NDIS Quality and Safeguards Commission - Reportable Incidents - Detailed Guidance for Registered NDIS Providers (2019) <https://www.ndiscommission.gov.au>
- NDIS Quality and Safeguards Commission – Incident Management Systems - Detailed Guidance for Registered NDIS Providers (2019) <https://www.ndiscommission.gov.au>

Incidents that are not considered as an incident or reportable incident by NDIS Commission are to be recorded on; [QMF-CS-010 Incident-Injury_Trauma-Illness Report](#)

Fairfield City Council welcomes your feedback. If you would like to give us feedback on this or any of our policies or procedures, please contact us by emailing fairstart@fairfieldcity.nsw.gov.au