

## Q330

## DEFINITION OF INCIDENTS AND FEEDBACK

### What is an Incident?

A customer incident is defined as ‘an event or circumstance that occurred during service delivery and resulted in harm to a customer’.

A registered NDIS provider’s incident management system must cover the following incidents:

- 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

### What does the phrase ‘harm to a person with disability’ mean?

Harm to a person with disability includes an actual or potential adverse or negative impact on the physical or psychological well-being of that person. The level of harm caused is not a determining factor in deciding whether the incident is one which must be managed under the incident management system. Incidents where there is no harm caused but the incident could have resulted in harm to a person with disability must still be managed under the incident management system.

### What is a ‘reportable incident’?

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 by the registered NDIS provider.**

#### A reportable incident is:

- the death of an NDIS participant
- serious injury of an NDIS participant
- abuse or neglect of an NDIS participant
- unlawful sexual or physical contact with, or assault of, an NDIS participant
- sexual misconduct committed against, or in the presence of, an NDIS participant, including grooming of the NDIS participant for sexual activity
- the unauthorised use of a restrictive practice in relation to an NDIS participant

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### What does the phrase ‘in connection with’ mean?

A registered NDIS provider is only required to notify the Commission of reportable incidents which have occurred, or are alleged to have occurred, if those incidents happened in connection with the provision of supports or services by that provider. This meaning of the phrase ‘in connection with’ is intended to be broad.

It covers incidents that:

- may have occurred during the course of supports or services being provided;
- arise out of the provision, alteration or withdrawal of supports or services; and/or
- may not have occurred during the provision of supports but are connected because it arose out of the provision of supports or services.

Reportable incidents could occur in a variety of settings but as long as there is a connection with the service delivery by a registered NDIS provider, then they must be notified to the Commission.

Examples of where these incidents might occur include:

- In the private home of a person with disability
- In a residential care setting
- In supported accommodation
- In the premises of the registered NDIS provider (for example, the rooms where therapy services are provided)
- In the community where the registered NDIS provider is supporting the person with disability to access the community

Although a reportable incident may happen to a person at the time they are receiving a service from a registered NDIS provider, this will not mean, on its own, that the incident occurred in connection with the service. If it was merely a coincidence that the incident happened at that time, then it is **not** ‘in connection with’ the service delivery and does not need to be notified to the Commission.

For example:

- An occupational therapist attends the home of a person with disability to conduct an assessment. While speaking with members of the person’s family, the person with disability puts their hand on the stovetop and suffers a serious injury. The incident occurred at the time of service delivery but was not directly linked with or caused by the service delivery. This is not a reportable incident and does not require notification to the NDIS Commission.
- A person with disability is accompanied by a worker to attend a physiotherapy appointment. As they leave the office building, a tile falls off the roof and hits the

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person who sustains a serious injury and needs hospitalisation. Although this happened at the time a person was receiving a service from the registered NDIS provider, the service delivery was coincidental to the injury caused. The incident did not occur in connection with the service provision and does not need to be reported to the Commission.

Whether a reportable incident occurs in connection with the provision of services and supports also depends on the nature and extent of services being provided.

If the incident did not occur in connection with the provision of supports or services, it is not required to be recorded in the incident management system or, in the case of a reportable incident, reported to the NDIS Commission.

### Incident Examples

- Reportable death or death in custody
- Non-reportable death, e.g. expected, natural causes
- A missing customer considered to be at significant risk to themselves or others
- A significant injury
- Child protection incident/notification that is sexual in nature, caused immediate harm, or resulted in injury requiring hospitalisation, or death
- Sexual assault (including allegations)
- Sexual misconduct or grooming
- Physical assault or accidental injury that required hospitalisation
- Physical assault or accidental injury that did not require hospitalisation
- Possible involvement by the Police or other emergency services
- Recognising a customer who may be at risk of suicide or seriously injuring someone else
- Services to clients ceased or were disrupted as a result of an incident, for example a house fire
- Staff misconduct including breach of duty of care to the customer (for example medication error, bullying, abuse, negligence), theft, unauthorised use of restraint
- Medication administration errors
- Catheter or colostomy accidents
- Poor quality of care
- Alleged fraud
- Threats made to customers
- Workplace hazard (environmental or other) that while manageable, is assessed as having a strong likelihood of escalating and threatening safety and service continuity

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- Any incident or hazard or near-miss not considered high or critical
- Slip, trip and/or fall
- Car accident
- Any incident where emergency services are called
- Inconvenience caused to customer
- Minor or insignificant property damage

### What is Feedback?

Feedback in regard to Enhanced Lifestyles is defined as information provided on the organisation's or an employee's performance in the delivery of services and how they have met the Customer's desired outcomes.

Feedback may take the form of complaints, suggestions or compliments and is used as a basis for improvements in service.

### Feedback Examples

#### **Compliments**

- Customer reports being very happy with service provided
- LA providing support is complimented by the Customer
- Organisation is complimented on its communication
- Service delivery is complimented on its flexibility in re-arranging services to meet the needs of Customers
- Organisation is complimented on providing value for money service

#### **Complaints**

- Customer reports being very unhappy with service provided
- LA is criticised for providing poor service
- Organisation is criticised for poor communication
- Organisation is criticised for its lack of flexibility in rearranging services
- Organisation is criticised for being expensive
- LA is criticised for not facilitating a Customer's choice
- LA criticised for not turning up to a rostered shift without providing notice to the office
- LA criticised for breaching the code of conduct

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### ***Suggestions***

- Provide more staff in service delivery
- Other suggestions for improving service delivery
- Provide greater recognition to LA's who exceed service delivery expectations
- Add greater demographic information to LA profiles to assist service delivery to match an LA to a Customer
- Suggestions for newsletter content