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## **INCIDENT MANAGEMENT PROCEDURE**

**Policy context:** This policy relates to

Legislation or other requirements

NDIS Incident Management and Reportable Incidents Rules 2018

NDIS Procedural Fairness Guidelines 2018

### **1. Purpose**

Enhanced Lifestyles (EL) and Lifestyle Assistance and Accommodation Service (LAAS) is committed to protecting the health and wellbeing of our Customers/Clients. This procedure details how incidents involving Customers/Clients of EL/LAAS are responded to, investigated and reported. This document forms a part of the documented Incident Management System of EL/LAAS.

The document complies with NDIS 2018, standard 1.5 Violence, Abuse, Neglect, Exploitation and Discrimination, 2.2 Risk Management, 2.6 Incident Management, and ACIS 2018, section 1.5 Discrimination, Abuse & Neglect, 2.2 Risk Management, 2.6 Reporting.

This document is readily available to all clients and employees of Enhanced Lifestyles and Lifestyle Assistance and Accommodation Service including The Boards.

This procedure applies to all EL/LAAS Customers/Clients, their families, significant others, primary carers and independent advocates, as well as all employees, volunteers or contractors of EL/LAAS.

Should a Customer/Client incident also fit the criteria for an employee incident, then the WHS Policy/Procedure must also be followed.

### **DOCUMENTATION**

#### **Documents related to this policy**

Related policies

Q325 – Incident Management Policy

Q104A – Mandatory Reporting Incidents Guideline

Q400 – WHS Policy

P001 – WHS Feedback Procedure

Forms, record keeping or other organisational documents

M400 – WHS Manual

QF106 – WHS Incident Report

## **2. Procedure**

All staff that may have contact with Customers/Clients, Lifestyle Attendants/Care Workers, family, primary carers or independent advocates must have a working understanding of what constitutes an incident and be able to identify when an incident has occurred. All Customer/Client incidents must be reported by employees of EL/LAAS in accordance with this procedure.

At all stages of the Incident Management process employees, Customers/Clients, family and carers must be treated with procedural fairness. Any decisions made by EL/LAAS must be done so without bias, be based in evidence that is logically capable of supporting the facts and allow parties that may be negatively affected to have their response taking into consideration.

## **3. Identification of Incidents**

An Incident is any event that consists of:

- Any acts, omissions, events or circumstances that have or could have caused harm to the Customer/Client that occur in connection with the delivery of service or supports.
- Acts by the Customer/Client that have caused serious harm, or a risk of serious harm to another person and occur in connection with the provision of supports or services.
- Reportable Incidents that are alleged to have occurred in connection with providing supports or services to a Customer/Client.

Any event, omission, act or circumstance that meet any of the above criteria should be considered as an incident and this procedure must be followed.

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This may include but not be limited to the following:

- Trip and fall
- Accident resulting in serious injury
- Car accident
- Abuse and neglect, including concern for a Customer/Client's welfare and suspected abuse
- Death
- Attempted suicide
- Near miss accident that could have resulted in injury
- Any incident where emergency services are called
- Customer/Client behaviours or actions that had the potential to, or resulted in, injury to another person
- Use of unauthorised restrictive practices
- Sexual misconduct or grooming
- Medication errors such as the wrong or missed dose or incorrect medication being taken by clients
- Catheter or Colostomy accident

When an employee, volunteer, contractor, Customer/Client, family member, primary carer, significant other or independent advocate believes an incident has occurred the Incident Management Response must be implemented.

### **4. Incident Management Response**

As soon as an employee becomes aware of a Customer/Client incident, either at the time it occurs or subsequent to the event they must immediately:

#### **4.1 Protect the Customer/Client from further harm**

The first priority of employees is to respond as quickly as possible and protect the Customer/Client from further harm following an incident. Employees should follow their first aid training in assessing the risk posed to the Customer/Client and themselves and respond appropriately. Action should be taken to alleviate any identified immediate risks (e.g. moving Customer/Client to safe position, remove danger from environment, etc) but only where doing so would not risk further harm to the Customer/Client or the employee.

Failing to protect a Customer/Client from further harm due to negligence is a breach of the employees' duty of care and may result in disciplinary action.

## **4.2 Applying First Aid and Contacting Emergency Services**

Applying or seeking first aid for an injured or seriously unwell Customer/Client is the first priority of the employee, followed by contacting the Ambulance service on 000 if the Customer/Client has received a serious injury or undergoing a health condition requiring treatment or needs urgent medical help.

The SA Police should be contacted in any situation where:

- There is a threat to life, or serious injury
- There is a threat of danger to people or property
- When a serious crime is in progress, being witnessed or just committed
- Or any other situation where urgent SA Police assistance is needed

These could equally be situations affecting the Customer/Client or caused by the Customer/Client.

The SA Police should be contacted on 000 for incidents that require immediate and urgent assistance or on 131 444 for non-emergency Police response.

The employee should obtain the details of the police officer to whom the report was made and of the police members attending the scene (e.g. Name, identification number/rank, posting details) and a report number.

## **4.3 Protect Evidence**

Secure the scene of the incident if appropriate, for investigation purposes, if not possible attempt to photograph the scene. In incidents where the SA Police are to be involved, the Lifestyle Attendant should be careful not to alter the scene of the incident or interfere with the Police investigation.

The employee should also seek out any witnesses to the incident and ask for name and contact information.

#### **4.4 Contact Service Delivery Officer/Manager**

Contact a Service Delivery Officer (SDO) or Manager on (08) 8340 2000 within approximately 30 minutes of the incident occurring.

The SDO/Manager will check:

- Current status of the Customer/Client
- Emergency services have been contacted
- Immediate support needs of the Customer/Client
- That this procedure has been followed

The SDO will record all immediate information about the incident, opening a Progress Note and Incident Card in CiMSability.

#### **4.5 Assessing the Incident and Notifying**

It is the responsibility of the Senior Service Delivery Officer (SSDO) or Manager to assess the incident based on the information available to them to determine whether the incident meets the requirements of a Reportable Incident.

The SSDO, SDO or Manager are responsible for notifying all key staff of the incident. In the case of a serious incident or Reportable Incident the employee must notify management verbally, either over the phone or in person. Depending on the type of incident, severity of impact, and reporting requirements the key staff/manager involved may change.

In the event the employee is unable to contact the responsible manager they must escalate the matter to the next manager above them, up to and including the Clinical and Governance Manager or the Chief Executive Officer (CEO).

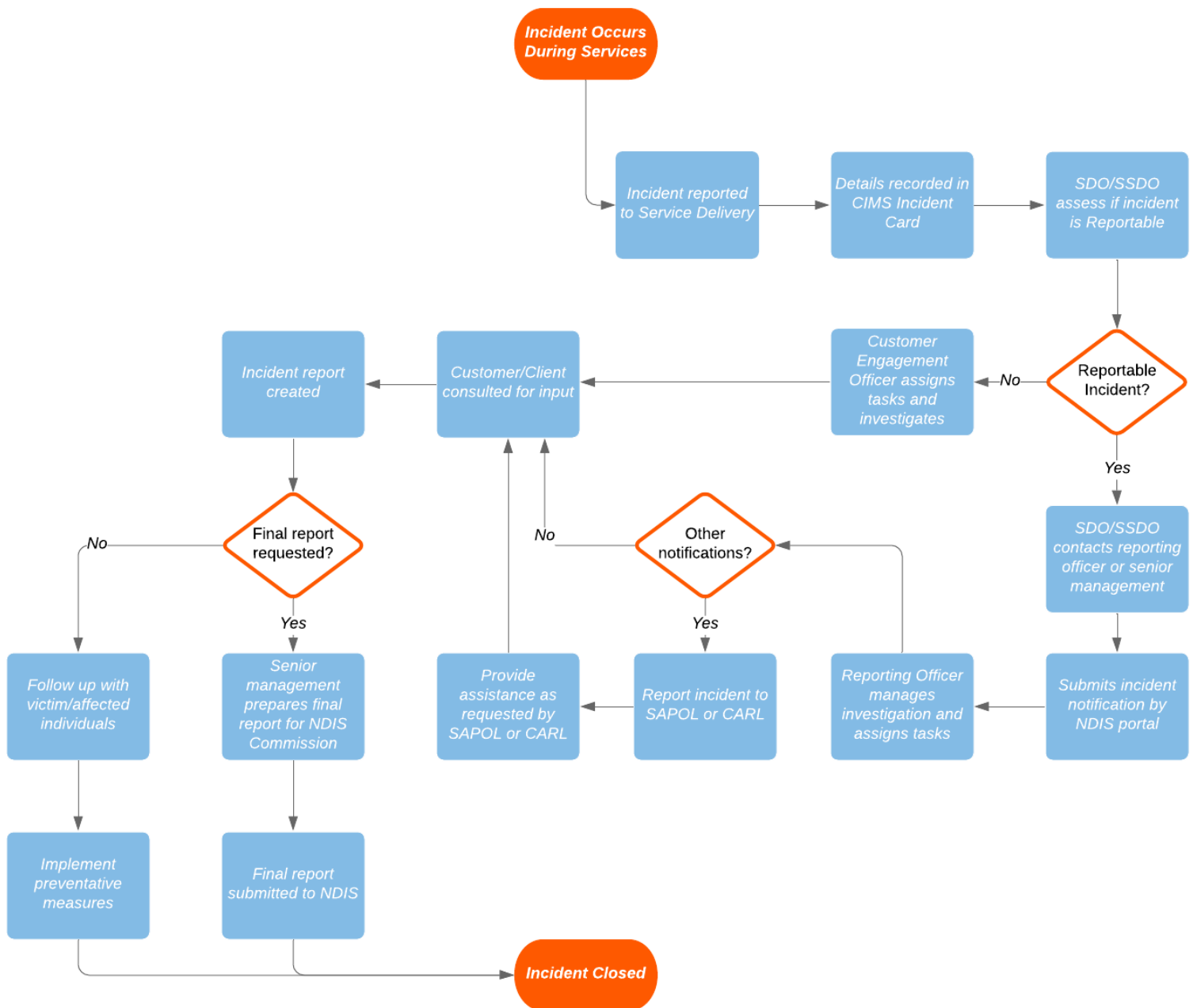
The SSDO, SDO, Manager should take any actions as directed by Senior Management in relation to the incident.

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### 4.6 Incident Management Process Flowchart

Incident Management Flow Chart



## **5. Investigation**

The manager responding to and investigating the incident notifies the Reporting Officer who will notify the relevant bodies (see 5.1 Additional Reporting) as required, then will conduct an internal investigation of the events around the incident. The internal investigation will be managed by the Customer Engagement Officer who will review the incident report and allocate follow up tasks to relevant employees to ensure that all information and opinions of involved persons are considered.

Progress will be recorded and tracked through CiMSability by Management and the Communications & Engagement Officer who will monitor the completion of tasks in relation to the incident and mark items as complete and be responsible for closing off the incident record after resolution of the Incident Management System.

The Communications & Engagement Officer will consult with the Customer/Client/Employee and take their views into consideration upon:

- What supports the customer/staff member/family members might require as a result of the incident
- Whether the incident could have been prevented
- How well the incident was managed and resolved
- What actions need to be taken to prevent similar incident from occurring, or minimise the impact
- Whether other persons or bodies need to be notified of the incident

### **5.1 Additional Reporting**

EL/LAAS may be required by law to report an incident to another body besides the NDIS Commission, such as the South Australian Police (SAPOL).

An incident must be immediately reported to SAPOL if

- it is of serious concern or a criminal offence, (e.g. rape, unlawful sexual intercourse, indecent assault, aggravated physical assault, significant Customer/Client abuse), **or**
- there is a need to preserve physical evidence (e.g. medical or scene examination, seizure of clothing), **or**
- there is a serious risk to the safety/security of any person/s on site; or where a party has an obvious injury resultant from an offence. Note: An incident is also to be reported if the preceding conditions apply and the Customer/Client complains of an injury which may not be obvious but is considered reasonably likely to have occurred given the circumstances of the incident.

Any situation involving Customer/Client abuse which is immediately reported to SAPOL is also to be reported to the NDIS within 24 hours of notification.

Child Abuse Report Line (CARL) will be notified immediately if a child discloses an incident of abuse or neglect that has occurred somewhere other than Enhanced Lifestyles and Lifestyle Assistance and Accommodation Service premises, (e.g. home or school) or if there are reasonable grounds to suspect a child has been or is suffering abuse or neglect.

If there is a need for immediate intervention the police will be contacted by phone on 000 for an emergency response or 131 444 for a regular report.

All child abuse allegations that arise will be reported immediately to the Child Abuse Report Line (CARL) on 13 14 78.

Read Q104A – Mandatory Reporting Incidents Guideline for more details.

## **5.2 High Risk Incidents**

The Reporting Officer/Senior Management must:

- Ensure that no internal investigations compromise or prejudice any SA Police or external agency involvement or investigations in progress.
- Liaise with the SA Police if required to assist them in their investigations.
- If no conflict with external investigations exist (e.g. following the conclusion of investigations conducted by an external body) work with the involved parties, including the Customer/Client and any relevant employee involved in the incident, to complete the investigation and provide a written report to the Clinical and Governance Manager. The report should include the details of the initial incident report, what initial responses were taken, the actions taken to date, the outcome of the investigation and recommended actions to resolve the incident. The report must also include an action plan for supporting the Customer/Client and their families if appropriate. Internal Investigations should also make recommendations as to how a similar incident can be prevented in the future and any improvements that can be made in the management and response to the incident.
- Provide a copy of the report to the CEO.
- Provide a copy of the report to the Customer/Client if appropriate.
- Liaise with the relevant Government agencies with regards to the incident if required.
- Work with the COO/CEO to implement any agreed follow up actions as approved by the COO/CEO.

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- If the results of the internal investigation found an employee had breached relevant EL/LAAS policies and procedures or was found to be criminally responsible, liaise with the CEO and People and Culture to take any necessary disciplinary action as recommended in the investigation report approved by the COO.

### **6. Assessing Incidents**

The SSDO, SDO or manager must conduct an assessment of an incident to determine whether EL/LAAS is required to report the incident to the NDIS Commission. The details of this process must be recorded within CiMSability as a part of the Incident Management process.

A Reportable Incident is the following:

- The death of a Customer/Client
- Serious injury of a Customer/Client
- Abuse or neglect of a Customer/Client
- Unlawful sexual or physical contact, or assault of a Customer/Client
- Sexual misconduct committed against, or in the presence of a Customer/Client, including grooming of the person for sexual activity
- The use of a restrictive practice in relation to a Customer/Client, other than where the use is in accordance with an authorisation of a State or Territory in relation to the Customer/Client.

Reportable Incidents also included **alleged** Reportable Incidents.

An act of unlawful physical contact with a Customer/Client is **not** a Reportable Incident if the contact with and impact upon the Customer/Client is negligible.

The use of a restrictive practice in relation to a Customer/Client where the use is in accordance with an authorisation of a State or Territory **is** a Reportable Incident if the use is not in accordance with a behaviour support plan for the Customer/Client.

The use of a restrictive practice in relation to a Customer/Client which is not in accordance with an authorisation of a State or Territory but is in accordance with a behaviour support plan is **not** a Reportable Incident if the State or Territory does not have an authorisation process in relation to the restrictive practice.

### **7. Reporting to Other Agencies**

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Employees of EL/LAAS may become involved in the occurrence of an incident while working for the Customer/Client of another agency with which EL/LAAS has a brokerage relationship.

In such circumstances where an incident occurs while working for another agency the employee should still call and inform the service delivery team and follow the Incident Management Response procedures as outlined in section 4. However, the SDO who receives the report of the incident, after recording the details, should immediately report the incident to the agency contracting our employee's services and provide all the information collected about the incident.

It is the responsibility of the Customers/Clients agency to record and report the incident in line with NDIS Commission requirements, except where such requirements are superseded by law (see 5.1 additional reporting). Management will then work in cooperation with the other agency in conducting an investigation of the incident.

## **8. Reporting an Incident**

It is the responsibility of the employee receiving the report of the incident to verbally notify a member of the key staff that the incident occurred. In the case of Reportable Incidents EL/LAAS has certain time sensitive responsibilities and as such the key staff authorised to notify the NDIS Commission must be informed promptly.

### **8.1 Notifying the Commission**

#### **24 Hour Report**

The NDIS Commission must be notified of all Reportable Incidents within 24 hours of EL/LAAS being made aware of the incident. Key staff members have the responsibility of informing the NDIS via the NDIS Commission Portal using the 'My Reportable Incidents' page.

The NDIS Commission will need the following information:

- The name and contact details of the NDIS provider
- A description of the reportable incident
- A excerpt of the description of the impact on, or harm caused to the person with disability
- The immediate actions taken in response to the incident including actions taken to ensure the health, safety and wellbeing of the person with disability, and whether the incident has been reported to police or any other body
- The name and contact details of the person making the notification
- If known the time and place at which the incident occurred

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- Name and contact details of the persons involved in the incident
- Any other information required by the NDIS Commission

## 5 Day Report

- The 5 Day form must be submitted via the 'My Reportable Incidents' portal **within five business days** of key staff 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.

## 8.2 NDIS Commission Final Report

The NDIS Commission may request that EL/LAAS provide a final report about a Reportable Incident within 60 business days after the notification of an incident was given.

The information required in this report follows:

- Details of any internal or external investigations that have been undertaken in relation to the incident, including:
  - The name and position of the person who undertook the investigation
  - When the investigation was undertaken
  - Details of any findings made
  - Detail 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 have been kept informed of the progress, findings and actions relating to the investigation
- Any other information the Commission requests