

Incidents Management System

This document contains

A>Instructions how the system can be used

B>The format in which the reportable Incident is to be initiated

C>The format of the Incident Register which will be maintained in APMP.

Overview of the System

A. Our incident management system will ensure all incidents are assessed in relation to the following, with the assessment considering the views of persons with disability affected by the incident:

- (a) whether the incident could have been prevented;
- (b) how well the incident was managed and resolved;
- (c) what, if any, remedial action needs to be undertaken to prevent further similar incidents from occurring, or to minimise their impact;
- (d) whether other persons or bodies need to be notified of the incident.

B. What should be reported:

The incident management covers the following incidents that may have been caused by anyone but in connection to the services provided by APMP:

- 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

The Reportable incidents are defined as follows:

- a. the death of a person with disability; or
- b. serious injury of a person with disability; or
- c. abuse or neglect of a person with disability; or
- d. unlawful sexual or physical contact with, or assault of, a person with disability; or
- e. sexual misconduct committed against, or in the presence of, a person with disability, including grooming of the person for sexual activity; or
- f. 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.

This list must be read with National Disability Insurance Scheme (Incident Management and Reportable Incidents) Rules 2018 section 16 of the Rules, which says that:

- unlawful physical contact with a person with disability is not a reportable incident if the contact with, and impact on, the person with disability is negligible,

- the use of a restrictive practice in relation to a person with disability where the use is not in accordance with an authorisation (however described) of a State or Territory is not a reportable incident if the use is in accordance with a behaviour support plan for the person and the State or Territory in which the practice is used does not have an authorisation process in relation to the use of the practice, and
- the use of a restrictive practice in relation to a person with disability where the use is in accordance with an authorisation (however described) of a State or Territory is a reportable incident if the use is not in accordance with a behaviour support plan for the person .

The definition of reportable incident captures not only incidents that have occurred, but also allegations of the incidents described above. It also only includes incidents where the impacted person is a person with disability – incidents that are recorded in an incident management system that relate to serious harm to workers or other people committed by a person with disability are not reportable. The only exception to this is where a person with disability is the impacted person of the incident.

C. Our Incident resolution will afford procedural fairness

- (1) Our incident management system as a registered NDIS provider must require that people are afforded procedural fairness when an incident is dealt with by the provider.
- (2) The Commissioner may, by notifiable instrument, make guidelines relating to procedural fairness for the purposes of subsection (1).

D. Documentation, record keeping and statistics

Attached are the two documents which will be used to collect as a minimum information relating to the incident. A record made because of an incident must be kept for 7 years from the day the record is made. This applies to even any statistical analysis done periodically on the incidents in record.

Note: A registered NDIS provider may be required to comply with other Commonwealth, State or Territory laws in relation to the retention of records.

E. Duty of care

The director(s) and the future employees of AGILE should take all reasonable steps to ensure that reportable incidents that occur in connection with the provision of supports or services by a registered NDIS provider are notified to the Commissioner:

F. Reportable incidents must be notified **to the Commissioner** within 24 hours

- (1) If:
 - (a) a registered NDIS provider becomes aware that a reportable incident has occurred in connection with the provision of supports or services by the provider; and
 - (b) the reportable incident is:
 - (i) the death of a person with disability; or
 - (ii) the serious injury of a person with disability; or
 - (iii) the abuse or neglect of a person with disability; or

(iv) the unlawful sexual or physical contact with, or assault of, a person with disability (excluding legally acceptable physical contact and any contact that has negligible impact on the participant ; or

(v) sexual misconduct committed against, or in the presence of, a person with disability, including grooming of the person for sexual activity.

(2) The following information must be provided to the Commissioner as a minimum:

(a) the name and contact details of the registered NDIS provider;

(b) a description of the reportable incident;

(c) the immediate actions taken in response to the reportable incident, including actions taken to ensure the health, safety and wellbeing of persons with disability affected by the incident and whether the incident has been reported to police or any other body;

(d) the name and contact details of the person making the notification;

(e) if known—the time, date and place at which the reportable incident occurred;

(f) the names and contact details of the persons involved in the reportable incident;

(g) any other information required by the Commissioner.

G. Reportable incidents must be notified to the Commissioner within 5 business days

(1) A registered NDIS provider must notify the Commissioner in accordance with this section if:

(a) the registered NDIS provider becomes aware that a reportable incident has occurred in connection with the provision of supports or services by the provider; and

(b) the reportable incident is not of a kind covered by paragraph F (1)(b).

(2) The notification must:

(a) be given in writing; and

(b) be given within 5 business days after the provider became aware that the reportable incident occurred; and

(c) include all of the information required by subsection (3).

(3) The information required is as follows:

(a) the name and contact details of the registered NDIS provider;

(b) a description of the reportable incident, including the impact on, or harm caused to, the person with disability;

(c) except for a reportable incident of a kind covered by subparagraph F (1)(b)(i)—a description of the impact on, or harm caused to, the person with disability;

- (d) if known—the time, date and place at which the reportable incident occurred;
 - (e) the names and contact details of the persons involved in the reportable incident;
 - (e) the names and contact details of any witnesses to the reportable incident;
 - (f) the immediate actions taken in response to the reportable incident, including actions taken to ensure the health, safety and wellbeing of persons with disability affected by the incident and whether the incident has been reported to police or any other body;
 - (g) any further actions proposed to be taken in response to the reportable incident;
 - (h) the name and contact details of the person making the notification;
 - (i) any other information required by the Commissioner.
- (4) The Commissioner must acknowledge receipt of the notification within 24 hours after receiving it.
- (5) The Commissioner must approve a form for the purposes of giving notifications under this section.

H. Circumstances in which reportable incidents need not be obtained or notified

A registered NDIS provider is not required to obtain, or notify the Commissioner of, the following information as per F(2)(b), (c), (f) or (g), F(4)(a) or G(3)(b), (c), (d) or (e) if obtaining the information would, or could reasonably be expected to:

- (a) prejudice the conduct of a criminal investigation; or
- (b) expose a person with disability to a risk of harm.

I. Keeping the Commissioner updated

- (1) This section applies if:
- (a) a registered NDIS provider gives notification of a reportable incident under section F or G at a particular time; and
 - (b) the provider becomes aware of significant new information in relation to the incident after that time; and
 - (c) the significant new information:
 - (i) is or relates to a change in the kind of reportable incident; or
 - (ii) is a further reportable incident.
- (2) The provider must notify the Commissioner of the significant new information as soon as reasonably practicable after becoming aware of the information.
- (3) The notification must be given in writing.

(4) If notification is given under this section of a further reportable incident, the registered NDIS provider is taken to have complied with section 20 or 21 (as the case requires).

(5) The Commissioner may approve a form for the purposes of giving notifications in writing under this section.

J. Providing the Commissioner with a final report

(1) If a registered NDIS provider gives notification of a reportable incident under subsection F(4) or G, the Commissioner may require the provider to give the information required by subsection (2) of this section to the Commissioner, within 60 business days after the notification is given under subsection F(4) or section G, or a longer period specified by the Commissioner.

(2) The information required is as follows:

(a) details of any internal or external investigation or assessment that has been undertaken in relation to the incident, including:

(i) the name and position of the person who undertook the investigation; and

(ii) when the investigation was undertaken; and

(iii) details of any findings made; and

(iv) details of any corrective or other action taken after the investigation;

(b) a copy of any report of the investigation or assessment;

(c) 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;

(d) any other information required by the Commissioner.

(3) The information must be given in writing.

(4) The Commissioner must approve a form for the purposes of giving information under this section.

AGILE PLAN MANAGEMENT PTY LTD

Incident Report

REPORTED
BY: _____

DATE OF
REPORT: _____

ROLE/TITLE: _____

INCIDENT NO.: _____

REPORTABLE: Yes / No

INCIDENT INFORMATION

INCIDENT
TYPE: _____

DATE OF
INCIDENT: _____

LOCATION: _____

CITY: _____

STATE: _____

ZIP: _____

SPECIFIC AREA OF LOCATION (if
applicable): _____

INCIDENT DESCRIPTION (State the consultations undertaken & Any Investigations
conducted and its outcome)

NAME / ROLE / CONTACT OF PARTIES INVOLVED (State whether Outcome was
communicated)

1. _____

2. _____

3. _____

NAME / ROLE / CONTACT OF WITNESSES

1. _____

2. _____

3. _____

REPORTING OFFICER: _____

PHONE: _____

AGILE PLAN MANAGEMENT PTY LTD

Incident Register

Received Date	Reported By	Incident No.	Incident Description	Follow up Date	Follow-up Action Description	Completed date