

Incident Reporting and Management Policy

Approving Authority: Managing Director
Approval Date: 27/09/2022
Policy Owner General Manager - Service Delivery
Next Scheduled Review: 27/09/2023
Document Location: TP Connect – Controlled Document Hub
Description: This policy sets out the principles, objectives, and responsibilities for staff for managing and reporting Incidents including Reportable Incidents.

Related Documents:

- *Therapy Pro Incident Reporting and Management Policy;*
- *Therapy Pro Abuse, Harm, and Neglect, Policy and Procedure;*
- *Therapy Pro Client Charter;*
- *NDIS (Incident Management and Reportable Incident) Rules 2018;*
- *NDIS Practice Standards;*

Definitions:

Type	Definition
Abuse	the infliction of injury, unreasonable confinement, intimidation, or cruel punishment resulting in physical harm, pain, or death, psychological or emotional anguish, sexual abuse or exploitation, the willful deprivation of essential needs, or denial of financial, legal, and civil rights against adults or children;
Harm	to cause physical injury, emotional or sexual violence to another person;
Neglect	an act or omission that threatens a person's health or welfare by placing them at risk of physical or mental injury or impairment, deprivation of essential needs or lack of protection from these;
Violence	behaviour involving physical force intended to hurt, damage, or kill someone or something;

Principles

The timely and comprehensive alerting of Incidents that have occurred relative to children and adults results in:

- immediate appropriate advice and management of an incident including providing staff and client supports;
- effective provision of incident information, data requests and briefings;
- informed, accurate and timely responses to executive and media enquiries.

Objective

This policy aims to ensure that incidents of a critical or sensitive nature involving Therapy Pro staff, clients and services are alerted to the Director Service Delivery and General Manager - Service Delivery, so they are dealt with quickly and appropriately. Each client who purchases supports from Therapy Pro can be assured that these supports will be free from violence, abuse, neglect, exploitation, or discrimination. This means that:

- Policies, procedures, and practices are in place that support staff to understand and identify violence, abuse, neglect, exploitation, or discrimination and allows for open reporting and prevention of such;
- Clients are provided with information about the use of an advocate and access to an advocate can be facilitated to support a client where allegations of violence, abuse, neglect, exploitation, or discrimination have been made;
- Allegations and incidents of violence, abuse, neglect, exploitation, or discrimination, are acted upon, each participant affected is supported and assisted, records are made of any details and outcomes of reviews and investigations (where applicable) and action is taken to prevent similar incidents occurring again.

This policy applies where Therapy Pro staff members become aware of an incident relative to any child, young person, or vulnerable adult that we provide therapeutic services to, as listed in the table below:

Reportable Incidents – those incidents covered by the categories below that MUST be reported to the NDISQS Commission Portal.	
<ul style="list-style-type: none"> • The death of a person with disability. 	
<ul style="list-style-type: none"> • Serious injury of a person with disability. 	
<ul style="list-style-type: none"> • Abuse or neglect of a person with disability. 	

<ul style="list-style-type: none"> • 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). 	<p>who is a client (adult, child, or young person) of Therapy Pro services; and where the incident has occurred in connection with Therapy Pro services or supports</p>
<ul style="list-style-type: none"> • 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. 	
<ul style="list-style-type: none"> • Sexual misconduct committed against, or in the presence of, a person with disability, including grooming of the person for sexual activity. 	
<p>Standard Incidents – those incidents that occur within standard operating practices any incident that does not meet the threshold criteria for reporting to the NDISQS Commission Portal.</p>	
<p>Staff Incidents – Any incident involving staff and relative to Workplace Health and Safety.</p>	

Scope

An incident is defined as an act, omission, event or circumstance. It may mean, but not limited to, 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.

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); and
- 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.

The Procedure for Incident Management and Reporting relates to:

- people (both adult and children) participating in therapeutic interventions by Therapy Pro staff;
- Therapy Pro staff;
- Workers included in partnership arrangements with other agencies;

and must be reported to the Director Service Delivery and General Manager - Service Delivery to ensure effective operational management of incident occurrence of any sort.

Please review the Incident Reporting and Management Procedure for details of the determination and notification procedure.

Roles and Responsibilities

The roles and responsibilities of reporting of all categories of Incidents for each Therapy Pro role delineation, is detailed specifically in the Incident Management and Reporting Procedure that works in alignment with this Policy. The Procedure provides specific tasks for each level/role of employee and Board Member. The Procedure also provides an easy

to refer to flow chart to reflect the Policy and Procedure.

Investigations

Investigations will be determined based on the type of the incident and whether it is as a direct result of Therapy Pro services and service delivery. Investigations will be conducted upon review by the General Manager - Service Delivery. The purpose of an investigation is to establish the causes of an incident, its effect on the impacted person, and any operational issues that may have contributed to the incident occurring.

An investigation may be the most appropriate response for the following examples of incidents; however, this list is not exhaustive:

- The cause of the incident is unknown, or could have been one of a number of factors or a combination of factors;
- The nature and the impact of the incident was significant, and requires investigation to support the safety and wellbeing of people with disability;
- The incident may involve an allegation against a worker, and an investigation is required to determine what actions are required to manage the potential risk associated with the subject of allegation.

The General Manager - Service Delivery is responsible for delegating who will investigate any incident occurrences where applicable.

An investigation will include the following phases, or steps:

- Establishing the root cause of the incident;
- Determining its impact;
- Identifying operational issues that may have contributed to its occurrence.

An investigation is usually conducted internally however Therapy Pro may choose to seek external involvement to undertake the investigation, it is deemed we do not have the required expertise, or there is a conflict of interest present. Additionally, this may be at the instruction of the NDIS Commission. The appointed investigator must be impartial and objective to maintain independence throughout the investigation.

The investigator will have appropriate decision-making authority and overall responsibility for coordinating and directing the investigation.

The investigator must be appropriately trained and have the experience required for conducting incident investigations. The investigator is responsible for overseeing the investigation process and gathering the relevant evidence and facts to ensure that there is an in-depth understanding of the incident. The investigator may recommend seeking internal or external experts to advice on matters relating to the investigation.

The appointed investigator must be objective and impartial to the incident and investigation. To maintain independence, the investigator should not have been involved in any aspect of

the incident and could be:

- Someone from a different part of your organisation;
- Someone from another registered NDIS provider; or
- An external party with the skills and experience to conduct the investigation.

The General Manager - Service Delivery must ensure that any investigation is fair; it is important to manage any actual or perceived conflict of interest in relation to any incident investigation. A conflict of interest can be actual or perceived. An actual conflict of interest relates to any personal, professional, or financial interest that may compromise the investigator's objectivity and impartiality. A perceived conflict of interest occurs where it could reasonably be perceived, or appears, that a competing interest could influence the investigator's decisions.

When it is identified or disclosed that an allegation or incident has occurred, Therapy Pro will consider the following:

- Why the incident occurred;
- Whether the incident could have been prevented;
- How well the incident was managed and resolved;
- What, if any, regulatory action needs to be undertaken to prevent further similar incidents from occurring, or to minimise their impact; and
- Whether other persons or bodies need to be notified of the incident.

Continuous Improvement

The Incident Management and Reporting process provides an opportunity to identify patterns of behaviour or systemic issues that can be improved and thereby provide higher quality services to people with disability. The investigator of an Incident must identify corrective action that should be taken in response to an incident and the nature of such action. For example, these corrective actions can be developed to address, but no limited to, the following:

- Where an incident may have been prevented (or the severity lessened) by some action (or inaction) by you or your workers;
- Where there is an ongoing risk to people with disability; and
- Where action by you may prevent or minimise the risk of a reoccurrence.

Like complaints and other feedback, incidents provide an opportunity to review practices and procedures and identify where improvements in service quality and safety can be made. The assessment or investigation of an incident must consider:

- The views of people with disability impacted by the incident;
- What you have learnt and could improve on.

Consideration of this post-incident assessments and investigations allows Therapy Pro to determine appropriate actions such as, but not limited to:

- Training and education of workers;
- Modification of working conditions;
- Development or amendment of a policy or procedure;
- Changes in the way in which services are provided;
- Other practice improvements;
- Disciplinary action for the worker involved in the incident including ongoing performance reviews, imposing a probationary period, or termination of employment;
- Providing ongoing support to the person with disability impacted by the incident where appropriate; and
- Giving an apology to the person with disability involved in the incident.

In addition, an assessment or investigation may result in the determination that no further action is required.

The Incident Management System will allow for analysis of incident information and adjustments to be recommended by the Board relative to risks for the Company.