

Procedure: Client Incident Management and Reporting

Purpose

Achieve Australia has a duty of care to ensure the safety of people we support, staff, volunteers and members of the community with whom we interact.

As part of this commitment, Achieve Australia utilises a system of documentation and analysis of all incidents with a view to avoiding future occurrences, and minimising future risk to individuals involved in a specific incident and the generation of systemic changes as required.

This procedure relates specifically to the management and reporting of incidents relating to clients in keeping with our requirements set out under the National Disability Insurance Scheme (Incident Management and Reportable Incidents) Rules 2018 and the NSW Office of the Children's Guardian Act 2019 (Reportable Conduct Scheme).

Achieve Australia applicable forms and registers related to our Client Incident Management and Reporting Policy and Procedure

- Client Incident Register
- CEO Notifiable Incident Form
- NDIS Reportable Incidents Work Instruction
- Responding to a Missing Client Work Instruction
- Responding to Death of a Client Work Instruction
- Responding to CEO Notifiable Incidents Work Instruction
- Investigations Guide (in progress)

Objective	Procedure Description
Definitions	<p>An incident is any act, omission, event, or circumstance that occurred in connection with providing supports to a person who uses our services (clients) and has, or could have, caused harm.</p> <p>Incidents include events or episodes where services, supports, products, systems and processes have been compromised.</p> <p>An alleged incident is treated in the same manner as all other incidents, including reporting requirements.</p> <p>The three types of client related incidents covered by our Client Incident Management and Reporting Policy are</p> <ul style="list-style-type: none"> • acts, omissions, events, or circumstances that occur in connection with providing supports to clients and that have, or could have, caused harm to a client; • acts by a person with disability that occur in connection with providing supports or services to the person with disability; and have caused serious harm, or a risk of serious harm, to another person. • reportable incidents.
Initial response to an incident	<p>When an incident occurs, the priority is to ensure that clients (and others) involved in the incident are safe.</p> <p>Depending on the nature of the incident, actions that might need to be taken immediately when responding to an incident may include</p> <ul style="list-style-type: none"> • ensuring all people in the area are safe from harm • calling for help or asking a colleague for assistance • getting medical assistance if needed – calling 000 in an emergency • if possible, any other factors contributing to the incident and still posing a threat to the client (or others) should be removed or contained • notifying the police or other emergency services (as required and/or as directed by the CEO) • if necessary, ensuring that no-one goes into the area where the incident has occurred in case evidence needs to be preserved • keeping any potential evidence safe but avoiding

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	<p>touching or moving anything if possible.</p> <ul style="list-style-type: none"> • contacting your supervisor <p>All additional steps involved in investigating an incident that is identified as reportable or CEO Notifiable are in keeping with the Achieve Australia Investigations Guide.</p>
Incident reporting	<p>Once the safety needs of all involved in the incident have been met, all incidents involving clients (regardless of type or severity) must be documented as soon as possible after the event in Visicase which is Achieve Australia's Incident Management System.</p> <p>Any sensitive information relating to staff conduct (as part of a client incident) must be deidentified but included in a CEO Notifiable Incident Form or NDIS Reportable Incident Report.</p> <p>It is preferable to document any allegations in the words used by the witness/reporter.</p> <p>Within 24 hours, ensure that the client and/or family member, carer and supported decision maker(s) (including Public Guardian), have been made aware of the incident and their views/feedback considered in the overall management of the incident.</p> <p>Records of all incidents should be kept for at least 7 years.</p>
Critical Incidents (includes CEO Notifiable, NDIS Reportable and OCG Reportable)	<p>Critical incidents are any events that may have serious effects or cause disruption or compromise to the wellbeing of clients and employees, and the normal functions of the organisation. This includes emergency situations that generally require prompt and immediate action.</p> <p>Critical incidents usually occur suddenly and unexpectedly and bring significant real or perceived danger or risk.</p> <p>Incidents/events that are likely to have media involvement are categorised as critical incidents.</p> <p>Staff must seek guidance from their immediate supervisor if they are unsure whether a critical incident has occurred.</p> <p>All critical incidents must be reported to management immediately in person or by phone contact.</p> <p>If the immediate supervisor cannot be notified, staff must notify the next Manager in the chain of command and continue until contact has been made. It may also be necessary to contact the Manager on call.</p>

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<p>NDIS Reportable Incidents</p>	<p>Under the National Disability Insurance Scheme Act 2013 and National Disability Insurance Scheme (Incident Management and Reportable Incidents) Rules 2018, Achieve Australia is required to notify the NDIS Commission when an incident is deemed reportable under the rules associated under the Act. 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 to an NDIS participant (clients). This includes</p> <ul style="list-style-type: none"> • the death of a person with disability • serious injury of a person with disability • abuse or neglect of a person with disability • unlawful sexual or physical contact with, or assault of, a person with disability • sexual misconduct, committed against, or in the presence of, a person with disability, including grooming of the person with disability for sexual activity • unauthorised use of restrictive practices in relation to a person with disability. <p>Achieve Australia's reports reportable incidents to the NDIS Commission via the Commission's My Reportable Incidents Portal at https://www.ndiscommission.gov.au/providers/provider-responsibilities/incident-management-and-reportable-incidents</p> <ul style="list-style-type: none"> • within 24 hours of an incident occurring involving death, serious injury, abuses, neglect, unlawful sexual or physical contact, or sexual misconduct • within 5 days for other types of incidents. <p>These reports are submitted by the Service Manager and approved by the General Manager. <u>Refer to Work Instruction: NDIS Reportable Incidents.</u></p> <p>The Quality Team coordinates any requests to Achieve Australia by the NDIS Commission, including actions required, and investigations undertaken by the Commission.</p>
<p>CEO Notifiable Incidents</p>	<p>In addition to incidents that are reportable to the NDIS Quality and Safeguards Commission, Department of Communities and Justice (DCJ) and the Office of the</p>

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	<p>Children’s Guardian the following incidents are also reportable to the Operations Executive and CEO of Achieve Australia by the staff member within 30 minutes of occurring</p> <ul style="list-style-type: none"> • an accident/injury to a staff member or client with an associated Hazpak rating of 1 • a significant incident with an associated Hazpak rating of 1, such as a house fire • a report of any other serious misconduct by a staff member that may lead to criminal action. <p><u>Refer to CEO Notifiable Incident Work Instruction.</u></p>
<p>Children and Young People under 18 years</p>	<p>Department of Communities and Justice (DCJ) - Child Protection Helpline</p> <p>Where there is reasonable grounds to suspect that a child or young person is at risk of significant harm, the most senior Manager will notify DCJ via the Child Protection Helpline 132111 as soon as possible and within 24 hours (in consultation with the General Manager).</p> <p>This process is managed by the Senior Manager in keeping with the https://reporter.childstory.nsw.gov.au/s/</p> <p>For any of the following reasons a report can be made to DCJ</p> <ul style="list-style-type: none"> • The basic physical or psychological needs of your child or young person and not being met (neglect). This includes cases where care is relinquished without alternative care arrangements being in place • The parents and caregivers have not arranged any necessary medical care for the young person or child (unwilling and unable to do so) • The parents or caregivers have not arranged for the child or young person to receive an education in accordance with the Education Act 1990 (unwilling or unable to) • Risk of physical or sexual abuse or ill-treatment • Parents or caregivers behaviour towards the child causes or risks serious psychological harm (emotional abuse) • Incidents of domestic violence and as a risk of consequence a child or young person is at risk of serious physical or physical harm (domestic or family violence)

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	<ul style="list-style-type: none"> The child was the subject in a prenatal report and the birth mother did not engage successfully with support services. <p>Office of the Children’s Guardian (Reportable Conduct Scheme) https://www.kidsguardian.nsw.gov.au/child-safe-organisations/reportable-conduct-scheme</p> <p>The most senior Manager (in consultation with the General Manager) must prepare the following forms to be submitted to the OCG to be approved by the CEO</p> <ul style="list-style-type: none"> 7-day Notification Form The head of a relevant entity (nominated by Achieve Australia) must notify the Office of the Children’s Guardian within 7 business days of becoming aware of any reportable allegation or conviction. Entity Report Form Once the head of entity is satisfied that the investigation has been concluded, they must, as soon as practicable, provide the Office of the Children’s Guardian with an entity report unless the Children’s Guardian has given a written exemption, or the head of the relevant entity has a reasonable excuse. 30-day Interim Report Form By 30 calendar days after becoming aware of a reportable allegation or conviction, the head of a relevant entity must provide either the investigative report (“entity report”) or, if the investigation is not complete, an interim report.
Risk management	<p>The purpose of the initial risk assessment is to identify and avoid or minimise risks to</p> <ul style="list-style-type: none"> the client(s) other clients who may have had contact with the person against whom the allegation is made the person against whom the allegation has been made against Achieve Australia the proper investigation of the allegation <p>A final risk assessment is also required so that a decision can be made regarding what action, if any, needs to be taken regarding the any employees to address any risks.</p>

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Open disclosure	<p>Family members, carers and supported decision makers (including the Public Guardian) of a client impacted by an incident will be kept up to date regarding the management of an incident and given the opportunity to express feedback and concerns.</p> <p>Where an incident involves a client, the most senior Manager will contact relevant (and identified) stakeholders and provide them with an outline of the incident and the impact on the person.</p> <p>Where there is injury requiring medical attention or hospitalisation they will be advised immediately and kept informed.</p> <p>All reportable incidents, client and/or family members, carers and supported decision makers (including the Public Guardian) of a client are encouraged to provide their views at any stage during an incident investigation.</p> <p>The clients' wishes and right to privacy will be also respected, subject to mandatory reporting and legislative requirements e.g. children and young people.</p> <p>Communication will be carried out in a way that minimises any risk to stakeholders, Achieve Australia and the integrity and confidentiality of internal and external notifications and investigations.</p> <p>Where an investigation is being undertaken by the police, Achieve Australia has a responsibility to ensure confidentiality of the matter until the police have concluded their investigation. Information provided to others at this time will include high level details of the incident, with a focus on providing information and reassurance about the health and wellbeing of the person.</p> <p>At the conclusion of the investigation further information may be provided to stakeholders where relevant.</p> <p>Confidentiality must be maintained for any information provided to others who were a party to the incident. For example, family members of clients who were not party to the incident will not be provided with details.</p>
Other external reporting	<ol style="list-style-type: none"> 1. The police are the formal authority for dealing with allegations of crime, therefore Achieve Australia will seek advice from the police about what information can be

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	<p>shared.</p> <p>All employees must provide the necessary support/documentation to the police to investigate all allegations of criminal activity. Managers are responsible for notifying the police of the alleged criminal offence in consultation with the General Manager and COO).</p> <p>Achieve Australia must also gain clearance from the police prior to any action we may take in the matter and record when clearance from police was obtained.</p> <p>2. The Office of the Australian Information Commissioner (OIAC) Notifiable Data Breaches Scheme (The Commissioner) must be notified of any allegation or incident of eligible data breaches that occur within Achieve Australia. Eligible data breaches arise when the following three criteria are satisfied</p> <ul style="list-style-type: none"> • there is unauthorised access to, or unauthorised disclosure of personal information, or a loss of personal information held by Achieve Australia • this is likely to result in serious harm to one or more individuals • Achieve Australia has not been able to prevent the likely risk of serious harm with remedial action. <p>Achieve Australia will take immediate action to contain a suspected or known data breach, and where possible, take remedial action to reduce any potential harm to individuals.</p> <p>Achieve Australia will notify The Commissioner when it has reasonable grounds to believe that an eligible data breach has occurred.</p> <p>Where Achieve Australia only has grounds to suspect that a data breach has occurred, an assessment will be carried out within 30 days.</p> <p>The assessment will follow three stages</p> <ul style="list-style-type: none"> • Initiate - decide whether an assessment is necessary and identify which person or group will be responsible for completing it • Investigate - quickly gather relevant information about the suspected breach including, for example, what personal information is affected, who may have had

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	<p>access to the information and the likely impacts; and</p> <ul style="list-style-type: none"> • Evaluate – decide, based on the investigation, about whether the identified breach is an eligible data breach. <p>When there are reasonable grounds to believe that an eligible data breach has occurred, the relevant member of the Executive Team or their delegate will notify</p> <ul style="list-style-type: none"> • individuals at likely risk of serious harm, as a result of the data breach • The Commissioner as soon as practicable through a statement about the eligible data breach using the online form https://www.oaic.gov.au/privacy/notifiable-data-breaches/report-a-data-breach/ <p>A summary of how to respond to data breaches can be accessed at The Commissioner’s website https://www.oaic.gov.au/assets/privacy/guidance-and-advice/data-breach-preparation-and-response.pdf</p> <p>3. Where a client has an Accommodation Agreement with an accommodation provider (e.g. Inclusive Housing Australia) Achieve Australia has an obligation to advise the provider of significant property damage and vacancies created by the death of a client or their transfer to another support provider.</p>