

POLICY TITLE:	043 – INCIDENT POLICY		
VERSION:	004	DATE EFFECTIVE:	19/05/2020
AUTHORISED BY:	Chief Executive Officer	DATE REVIEWED:	18/10/2022

PURPOSE

ARC Disability Services Inc. (ARC) seeks to align our management of incidents with Work Health and Safety legislation and our obligations under the *NDIS (Incident Management and Reportable Incident) Rules 2018*. This policy will define what is considered an incident vs a critical incident, ARC’s reporting and incident management responsibilities as well as how incident feedback is provided to both workers and participants.

SCOPE

- All participants receiving supports or services.
- All ARC employees, board members, volunteers or contractors.
- Any visitors to ARC owned or operated locations.

DEFINITIONS

INCIDENT

An incident is a work and/or service related event in which an injury or ill health (regardless of severity) or fatality occurred, or could have occurred. An incident can additionally include a situation in which a medication error, damage to property, behaviour of concern has occurred or a situation that involves infectious material or body/hazardous substances.

CRITICAL INCIDENT

A critical incident is an incident that has resulted in or presents a significant risk of substantial or serious harm to the physical or mental health, safety or well-being of a person. A critical incident can additionally include a situation involving property damage, legal involvement, media activity or other unusual activity that falls outside the scope of activity undertaken by ARC.

Depending on the nature of the incident, it will be deemed critical and may also be defined under additional sub-categories of:

- Reportable Incident;
- Notifiable Incident and/or;
- Dangerous Incident.

REPORTABLE INCIDENT

As a registered NDIS provider ARC is required to record and manage all incidents that occur in the delivery of NDIS supports and services; and notify the NDIS Commission of any incidents classed as reportable. 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. This includes:

- 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.

POLICY	Document No.: GOV03-FORM-01	Version No.: 1B
Release Date: 09 July 2020	Uncontrolled if Printed	Page 1 of 4

NOTIFIABLE INCIDENT

The *Work Health and Safety Act 2011* sets out what sort of incidents are notifiable to Workplace Health and Safety Queensland (WHSQ). An incident is notifiable if it arises out of the conduct of a business or undertaking and results in the death, serious injury or serious illness of a person or involves a dangerous incident. The *Work Health and Safety Act 2011* sets out that a serious injury or illness of a person requires that person to have:

- Immediate treatment as an in-patient in a hospital.
- Immediate treatment for;
 - The amputation of any part of their body;
 - A serious head injury;
 - A serious burn;
 - The separation of skin from an underlying tissue (such as degloving or scalping);
 - A spinal injury;
 - The loss of a bodily function;
 - Serious lacerations.
- Medical treatment (treatment by a doctor) within 48 hours of exposure to a substance.
- Any infection to which the carrying out of work is a significant contributing factor, including an infection that is reliably attributable to carrying out work:
 - With micro-organisms;
 - That involves providing treatment or care to a person;
 - That involves contact with human blood or body substances;
 - That involves handling or contact with animals, animal hides, skins, wool or hair, animal carcasses or animal waste products.

DANGEROUS INCIDENT

A dangerous incident is a notifiable incident in relation to a workplace that exposes a worker or any other person to a serious risk to the person's health or safety emanating from an immediate or imminent exposure to:

- an uncontrolled escape, spillage or leakage of a substance
- an uncontrolled implosion, explosion or fire
- an uncontrolled escape of gas or steam
- an uncontrolled escape of a pressurised substance
- electric shock
- the fall or release from a height of any plant, substance or thing
- the collapse, overturning, failure or malfunction of, or damage to, any plant that is required to be authorised for use in accordance with the regulations
- the collapse or partial collapse of a structure
- the collapse or failure of an excavation or of any shoring supporting an excavation
- the inrush of water, mud or gas in workings, in an underground excavation or tunnel
- the interruption of the main system of ventilation in an underground excavation or tunnel
- Any other event prescribed under a regulation; but does not include an incident of a prescribed kind.

RESPONSIBILITY

Incident reporting applies to all staff to ensure:

- Immediate resolution and management of the incident;
- Actions taken to limit possibility of future incidents;
- Enough Information recorded if a subsequent review may be required.

Incident Reporting processes will apply at all times in order to ensure:

- Safety of those involved;
- Immediate crisis management of a critical incident;
- Informed, accurate and timely response to media enquires;
- Management of subsequent information requests and briefings;
- Information relevant to a subsequent review that may be required;

POLICY	Document No.: GOV03-FORM-01	Version No.: 1B
Release Date: 09 July 2020	<i>Uncontrolled if Printed</i>	Page 2 of 4

- A report to the relevant government body.

IMPLEMENTATION

Any staff member who is involved in, witnesses or has an incident brought to their attention must report the incident to the organisation within 24 hours. If recognised as critical or requires the reporting of criminal acts, the incident must be immediately reported to the CEO or Chief Services Officer (CSO) to ensure efficient and effective operational and media management. Specific media enquiries in relation to any aspect of an incident are to be directed through the CEO or Chair of the Board.

Where extenuating circumstances apply such as an employee being injured, the CEO may waive or approve a delay in a staff member completing relevant documentation. In these circumstances, ARC must attempt to gather all available information from other sources to enable follow up. Legislative timeframes to report critical incidents would still apply in this instance and the organisation must abide to these timeframes.

All incident reports received must be registered and provided to the appropriate coordinator/manager to action. All actions taken to resolve the incident, must be detailed and documented appropriately. In the event a non-conformance or opportunity for improvement is identified, these will be documented separately and followed up by the relevant coordinator/manager. All actions must be reviewed by a member of the management team to ensure the necessary actions have been taken and if critical, the incident is reported to the applicable regulatory government bodies.

If deemed necessary, an incident may require a formal investigation to be conducted to identify the incident's root cause and implement effective control measures to reduce the likelihood of an incident occurring again. Approval must be provided by the CEO for a formal incident investigation to commence.

INCIDENT FOLLOW UP

Incidents are to be followed up and actioned by the supervisor/coordinator of the service area the incident relates to and reviewed by the Team Leader or Manager of that service. The delegated Workplace Health and Safety Employee is responsible for providing support and advice to team members as required to ensure hazards and risks are adequately addressed. Service Improvements may be recorded in the course of reviewal of an incident, these will be recorded in the continuous improvement register. The Team Leader and/or Manager of each service area is responsible for ensuing incidents relating to their service area are closed out.

INCIDENT FEEDBACK

It is important that incident findings, feedback and outcomes are provided to the involved workers, participants and/or relevant support networks where it is appropriate to do so.

The process of providing feedback to workers allows for an additional opportunity to debrief and encourages continuous improvement of services. The information provided should be relevant to the workers role and responsibilities. Any information specific to the participant, that the worker would not normally have access to, should only be provided where it is relevant to do so, and the consent of the participant and/or their decision-makers has been provided.

Where a participant has been involved in an incident, the service coordinator or manager undertaking the incident follow up should ensure that debriefing occurs with the participant, where it would be appropriate to do so, and their support network. Information specific to the worker, details of performance management proceedings or outcomes should not be shared as this would be a breach of the workers privacy. It is vital that participants and their support networks are provided information about the management of the incident as it demonstrates ARC's commitment to continuous improvement and the safeguarding of participants. Additionally, it allows opportunity for the participant or their support network to have input on adjustments to support or the development of any risk controls or strategies.

Where incident feedback is communicated verbally, this should be documented and recorded against the individual's personal file. Incident feedback will be communicated with the participant in the method they have indicated as preference. This may be verbally, visually, supported by a translator or using the language, mode of communication and terms the participant is most likely to understand.

POLICY	Document No.: GOV03-FORM-01	Version No.: 1B
Release Date: 09 July 2020	Uncontrolled if Printed	Page 3 of 4

NDIS Quality and Safeguards Commission

A critical incident that has also been deemed as a reportable incident under the NDIS will require reporting to the NDIS Quality and Safeguards Commissioner. The CSO is responsible to ensure that notification is submitted via the online NDIS Quality and Safeguards Portal in the required timeframe.

REPORTABLE WITHIN 24 HOURS TO THE COMMISSION

- The death of a person with disability
- The serious Injury of a person with disability
- The abuse or neglect of a person with disability
- Incidents of alleged physical or sexual assault of a participant committed by an employee
- Incidents of alleged physical or sexual assault of a participant committed by another participant while in the care of the provider
- Sexual misconduct committed against, or in the presence of, a person with disability including grooming of the person for sexual activity

REPORTABLE WITHIN 5 BUSINESS DAYS TO THE COMMISSION

- Unauthorised use of restrictive practices.
- Incidents involving fraud

NOTIFICATION OF OBSERVATION

In the event that an ARC employee (such as a support coordinator or support worker) witnesses or becomes aware of a critical incident or concerning conduct involving another NDIS provider, ARC will provide a notification of observation via email to the NDIS Quality and Safeguards Commission. To facilitate accurate recording and follow up, employees will utilise ARC's internal incident reporting system.

The notification of observation will be sent to the Incident Management and Reportable Incident team at the NDIS Quality and Safeguards Commission via Qldreportableincidents@ndiscommission.gov.au. This email is to be sent within 5 business days of observation or if the incident has resulted in harm to a person with disability, it must be reported within 24 hours.

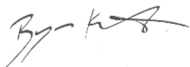
By providing these notifications, ARC is fulfilling its obligation as a service provider under the NDIS Code of Conduct. In the event that the notification of observation requires a final report this falls to the CSO or another delegated employee to facilitate. ARC will support any employees who identify a concern if they wish to report it themselves to the commission external from ARC.

REFERENCES

Work Health and Safety Regulation 2011
Work Health and Safety Act 2011
NDIS Quality and Safeguards Framework
NDIS Code of Conduct

AUTHORISATION

This Policy is approved and issued by:



BENJAMIN KEAST

Chief Executive Officer

POLICY	Document No.: GOV03-FORM-01	Version No.: 1B
Release Date: 09 July 2020	Uncontrolled if Printed	Page 4 of 4