

COMPLEX COMMUNICATORS PTY LTD ACN: 682 870 793

NDIS Incident Management and Reportable Incidents System Policy and Procedures (the Policy)

Last amended: 19/12/2024.

Owned by the Incidents Officer: Abigail Williams, Speech Pathologist and Director, 0489016864, admin@complexcomms.com.au

Important Context

This Policy is made in response to the National Disability Insurance Scheme Act 2013, as amended (the **Act**) and the National Disability Insurance Scheme (Incident Management and Reportable Incidents) Rules 2018 (the **Rules**). It is further informed by the NDIS Quality and Safeguard Commission's Incident Management Systems Detailed Guidance for Registered NDIS Providers (June 2019) (the **Guidance**).

The focus of this Policy is to:

- enhance the safety and wellbeing of people with disability; and
- set out our actions and responsibilities as a provider, as well as the actions and responsibilities of workers and other stakeholders during the management of an incident.

In this Policy, wherever possible, we will explain what we mean in plain English. Sometimes, capitalised terms used in this policy will have the meanings given to those terms in the Act, Rules and Guidance. But we will do our best to make things clear.

Plain English summary: What is this all about?

Sometimes, bad things can happen and people get hurt. Accidents and other bad things can happen even when we've tried hard to make things safe for everyone we work with. (We call these bad things "incidents".)

If bad things happen to you when we are working with you, our Incidents Officer and executive managers will work with you to find out what happened and to try to make things better. We will also try to learn from any bad things that happen to you by:

- looking into what happened;
- speaking with you, our workers; and other people affected;
- making changes to what we do to make it less likely that bad things will happen again to you, or to anyone else; and

- keeping good records about what happened, your views, and what we did together to try to make things better for you and others.

We work hard to make sure you are safe with us. If something very serious happens when we are working with you - like a big accident or if someone breaks the law and hurts you - our Incidents Officer and our executive team will look into it urgently and will also tell the NDIS Commissioner so the NDIA can look into what happened and help you.

If a bad thing happens to you when you are working with us or later, you can speak to Abigail Williams, our “Incidents Officer” or any other of our workers that you are comfortable talking with.

You can:

- come in and meet with us;
- send us an email or text;
- call us on the phone;
- communicate with your preferred augmentative and alternative communication device or method; or
- have a friend or carer contact us for you.

If a bad thing happens while we are working together, we will work with you to get to the bottom of what happened. We will work hard to try to help you.

You will **not** get into any trouble for contacting us about a bad thing that has happened to you. Contacting us about a bad thing will **not** affect your services - except if we need to make changes to help make you feel safer.

Our approach

We support your rights to:

- realise your potential;
- join in and add to your local communities, including community activities and at work;
- make decisions and choices for yourself, including taking risks to live your life the way you want to; and
- live with dignity, free from abuse, neglect or exploitation.

We also respect and recognise:

- your family, carers and other significant people in your life; and
- the important roles of advocates who represent people with disability.

Why is this Policy so long?

The rest of this document is very long and complicated! The NDIS Rules say that:

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- we need to think very hard about what we will do if a bad thing happens to someone we are working with;
- we have to have this Policy to write down what we will do if a bad thing happens; and
- we have to have lots of rules about what happens if something very bad happens, to make sure the NDIA knows about it.

It is our job to make sure you understand this Policy.

If a bad thing happens to you while we are working together, we will work together to try to make things better and to avoid similar things happening again to you or to others.

Policy Status

This Policy documents our incident management system for the purposes of the Rules, and as required by the Rules, and as informed by the Guidance.

The system documented in this Policy is considered by our key personnel to be appropriate for our size and for the classes of supports we deliver. We have endeavoured to make this Policy accessible to both our workers and to the people receiving supports and services from us.

This Policy was reviewed and approved by our director on 19/12/2024.

Purpose

As an NDIS provider, we must have an incident management system to help:

- identify, record and manage **incidents**; and
- notify, investigate and respond to **reportable incidents** (more serious incidents); and
- identify systemic issues and drive improvements in the quality of the supports we deliver.

The NDIS Quality and Safeguards Commissioner (**Commissioner**) oversees notifications of reportable incidents and our responses to these incidents. This oversight, combined with our compliance with this Policy, can reduce preventable deaths, serious injuries and other serious incidents through early intervention and capacity-building.

What is an “incident”?

For the purpose of this policy, “incidents” include:

- **acts**: things that we do, either deliberately or accidentally;
- **omissions**: things that we do not do, either deliberately or accidentally;
- **events**: things that happen (with or without our involvement); or
- **circumstances**: factors that affect what happens,

that:

(a) occur in connection with providing supports or services to a person with disability;
and

(b) have, or could have, caused harm to the person with disability.

This policy also covers incidents that consist of **acts by a person with disability** that:

(a) occur in connection with providing our supports or services to the person with disability; and

(b) have caused serious harm, or a risk of serious harm, to another person including a worker, other person with disability, or the general public.

The policy also covers incidents that are *alleged* by any person to have occurred in connection with us providing supports or services to a person with disability.

If an incident occurs “**in connection with**” our supports and services, and a person with disability is impacted, this policy applies regardless of who or what caused the incident. The phrase “in connection with” is broad and covers incidents that:

- may have occurred while we were providing supports and services;
- happen because we are providing, changing, or ending our supports and services; and
- arise out of our supports and services. (For example, where we provide a support or service that later causes a person with disability harm.)

In this policy, “harm” can include physical, emotional or psychological impacts, such as:

- physical injuries;
- emotional impacts such as fear or poor self-esteem; and
- psychological impacts such as depression or impacts on a person’s learning and development.

“Serious harm”, in the context of an act by a person with disability to another person, involves substantial physical, emotional or psychological impact on someone, like a serious injury, or serious emotional or psychological distress.

Incidents can occur in a variety of places, including at our premises, in private homes, residential care, supported accommodations and out in the community.

Incident Management System Procedures

(a) Our incidents reporting culture

All of our workers (including, without limitation, our directors, executive managers, employees, volunteers and contractors) (collectively, **workers**) must follow this Policy and the following procedures to identify, manage and resolve incidents in accordance with the Rules, and as informed by the Guidance.

All workers are encouraged to report any and all incidents as required by this Policy. All workers may make a complaint on behalf of a person with disability to us and/or to the Commission.

(b) To whom must incidents be reported?

The **Incidents Officer**.

(c) Incident Reports Response Plan: How are incidents identified, recorded and reported?

(i) If, at any time, a worker observes, is informed by a person with disability or another person about, or otherwise becomes aware of, an incident (including, for the avoidance of doubt, any alleged incident), he or she must:

- take all reasonable steps to ensure the safety and wellbeing of the impacted person;
- notify the Incidents Officer orally and/or by electronic messaging (email, SMS, etc.) as soon as practicable, and in any event within **one business day** of becoming aware of the incident; **and**
- complete **Part A** of the “Incident Report” in the form set out in **Appendix 1**.

(ii) The requirement of workers to notify the Incidents Officer about an incident is **mandatory** and does not depend on whether the people involved make a formal complaint or allegation. Failure to notify the Incidents Officer about an incident within the expected timeframe will be treated seriously, and may result in disciplinary action against the worker(s) involved.

(iii) Upon receiving notification of an incident or alleged incident, the Incidents Officer will take action. The specific action taken by the Incidents Officer will depend on all the facts and circumstances surrounding the incident, including the seriousness of the incident. In the normal course, the Incidents Officer will:

- communicate promptly with the worker(s) who made the notification;
- ensure that evidence in relation to the incident is protected;
- make a determination about whether Police, workplace safety, child protection and/or other authorities should be notified or called in;
- use reasonable efforts to communicate with the people affected, including (if relevant) the person or people with disability who are affected or involved;

- if and as appropriate (and subject to privacy and confidentiality laws), notify guardians, family members or carers of any person with disability affected by the incident;
- assess each incident according to the incident Investigation principles set out below (the **Incident Investigation Principles**);
- if warranted, investigate the incident (with or without external expert help), including the causes of the incident, its effect, and any operational issues that may have contributed to the incident occurring;
- take the appropriate action. This may include a range of responses depending on the facts and circumstances, including no further action, an apology, or attempts to remedy or mitigate the effects of the incident;
- report in writing on the key outcomes of the investigation to the director. The Incidents Officer may also make recommendations to executive management with a view to reducing the occurrence of similar incidents in the future; and
- complete **Part B** of the “Incident Report” for the incident in the form set out in **Appendix 1** and file Parts A and B of the Incident Report in the incidents register.

(iv) **Suspected criminal offences:** When it is alleged or suspected that a criminal offence may have occurred, the Incidents Officer should contact the Police and other relevant emergency services. In this situation, we will first ensure the impacted person is safe from harm, contact emergency services if there is an ongoing risk of immediate harm which requires their assistance, call an ambulance if someone is injured, and notify the NDIS Commission, if required. If the impacted person decides not to participate in an interview or to provide a witness statement regarding an alleged offence, we will respect their decision.

(v) **Other emergencies:** The safety of everyone affected by an incident is our first priority. In the event of an emergency, emergency services should be called as soon as possible by any worker or the Incidents Officer. Examples of emergencies include, without limitation, medical events and accidents, incidents with hazardous chemicals, fire and evacuation events, workplace violence, armed confrontations, and natural disasters. For more detail, consult our Emergency and Disaster Management Framework.

(vi) **Concurrent investigations:** If Police, Workplace Safety and/or other regulators are involved in investigating an incident or its effects, the Incidents Officer must not do anything to delay or otherwise interfere with such investigations.

(d) Incident Investigation Principles

All incidents must be assessed by the Incidents Officer. In assessing an incident, the Incidents Officer must consider the following factors:

- (i) the views of persons with disability affected by the incident;
- (ii) whether the incident could have been prevented;
- (iii) how well the incident was managed and resolved;
- (iv) what, if any, remedial action needs to be undertaken to prevent further similar incidents from occurring, or to minimise their impact; and

(v) whether other persons or bodies need to be notified of the incident.

In some circumstances, the Incidents Officer may find it necessary to conduct an investigation into the cause of an incident, its effects and any operational or systems issues that may have contributed to the incident. The specific assessment and investigation procedures employed by the Incidents Officer under this Policy may vary depending on the seriousness of the incident, and its impact on the person with disability.

The Incidents Officer must be objective and impartial to any investigation. The Incidents Officer should have had no involvement in the incident and must not have any actual or perceived conflicts of interest in relation to the investigation (i.e. anything that could, or could be perceived as, influencing the impartial performance of their official duties under this Policy).

(e) Corrective actions

If the Incidents Officer, in consultation with the person affected, concludes that we need to take corrective action, e.g. to address systemic issues and improve the quality of our supports and services, the Incidents Officer will prepare a report outlining specific proposed corrective actions. For example, the Incidents Officer may recommend corrective action:

- where an incident may have been prevented or been less severe in its impact by an action (or inaction) by us or a worker;
- where there is an ongoing risk to people with disability; and
- where the risk of reoccurrence can be eliminated or minimised.

Corrective actions may include things like disciplinary action (including performance management and termination), re-training or further worker training, practice improvements, including improving policies and procedures (including this Policy), changes to the environments in which we deliver our supports and services, and changes to our service delivery models. They may also include restorative actions, like providing ongoing support to the people impacted, and apologising to people with disability involved in the incident.

Executive management will review any corrective action recommendations from the Incidents Officer and be responsible for responding to them in the context of our goals to improve client safety, to improve our systems to prevent incidents from occurring, and to minimise the impact of incidents on people with disability when they do occur.

(f) Support and assistance

As a provider, we will provide reasonable support and assistance to persons with disability affected by an incident. As part of this process, we will include relevant information about access to advocates, such as independent advocates, to ensure their health, safety and wellbeing. Our key objective, here, is to support the health, safety and wellbeing of any person with disability who is affected by an incident.

(g) Involvement of person with a disability

We are committed to ensuring that persons with disability affected by an incident are involved in the management and resolution of the incident. To this end, the Incidents Officer will, as far as practicable, keep the impacted person with disability informed, and ask the impacted person to provide feedback into assessments, investigations and any corrective actions that we propose to take in response to any incident.

(h) Policy Access

This Policy must be provided to all clients, workers, and certain others

The Incidents Officer (or his/her delegate) must provide copies of this Policy, in an accessible form, to the following persons:

- (i) persons with disability receiving supports or services from us at the point that the person is “onboarded” as a client;
- (ii) the family members, carers, independent advocates and significant others of persons with disability receiving supports or services from us at the point that the person with disability is “onboarded” as a client; and
- (iii) each person employed or otherwise engaged by us at the point the person joins us as a worker.

The Incidents Officer (and/or delegate) must assist each of the people referred to immediately above so that they understand how the system operates.

(i) “Reportable incident reports” - for serious incidents

If an incident (including an alleged incident) is a **reportable incident** (as defined in the Act and the Rules), the Incidents Officer **must** notify the Commissioner as a high priority, within the very tight timelines set out in the Rules.

In this Policy:

- “key personnel” has the meaning given to it in the Guidance and includes our directors and executive management team; and
- “reportable incident” has the meaning given to it by the Act and the Rules.

In simplified terms, “reportable incident” means serious incidents that occur (or are alleged to occur) in connection with the provision of our supports and services.

Examples include:

- (i) the death of a person with disability; or
- (ii) serious injury of a person with disability; or
- (iii) abuse or neglect of a person with disability; or
- (iv) unlawful sexual or physical contact with, or assault of, a person with disability; or

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

The Rules state that unlawful physical contact is **not** a reportable incident **if** the unlawful physical contact, and its impacts on the person with disability, are negligible. **However, any and all unlawful physical contact with a person with disability must be reported to the Incidents Officer immediately** so that they can investigate and discuss the matter with the impacted person before making a determination on whether the act (or alleged act) constitutes a reportable incident.

If a reportable incident occurs (including the receipt of an allegation of a reportable incident), the Incidents Officer and each of our key personnel must take all reasonable steps to ensure that the reportable incident is notified to the Commissioner:

- within the required timeframes; and
- in mode and forms required by the Rules using the forms available on the NDIS Commission Portal.

If a worker becomes aware that a reportable incident has occurred in connection with the provision of our supports or services, the worker **must** notify the following people as soon as possible:

- (i) the key personnel;
- (ii) their immediate supervisor or manager; and
- (iii) the Incidents Officer.

The Incidents Officer is primarily responsible for reporting all reportable incidents to the Commissioner in accordance with the Rules but all workers must do all reasonable things to assist the Incidents Officer to comply with the Rules.

If a reportable incident occurs, the Incidents Officer must notify the Commissioner of the following information within the periods set out in the Rules. The time lines are very tight: most are within 24 hours or 5 days of the relevant event, depending on the circumstances.

If a reportable incident occurs, the Incidents Officer must notify the Commissioner in the form required by the Rules. Among other things, the notification must include:

- (i) our name and contact details;
- (ii) a description of the reportable incident;
- (iii) unless the person with disability has died - a description of the impact on, or harm caused to, the person with disability;
- (iv) 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;

- (v) the name and contact details of the person making the notification;
- (vi) if known - the time, date and place at which the reportable incident occurred;
- (vii) the names and contact details of the persons involved in the reportable incident; and
- (viii) any other information required by the Commissioner.

See the “Reportable Incident Report” form set out in **Appendix 2**. All reportable incident reports must be kept in the incidents register.

The Incidents Officer should give notice to the Commissioner in both written form and by telephone and, in any event, as required by the Rules.

There are some - very narrow - exceptions to these notification rules. For example, we may not be required to obtain, or notify the Commissioner of, certain information if obtaining the information would, or could reasonably be expected to:

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

It is essential for the Incidents Officer, in consultation with the key personnel, to seek urgent legal advice if unsure whether he or she is under an obligation to provide the Commissioner with particular information about a reportable incident.

(j) Keeping the Commissioner updated on significant new information about reportable incidents

If, after a reportable incident occurs, any worker becomes aware of significant new information in relation to the reportable incident after we have made an initial report, and the significant new information:

- (i) is or relates to a change in the kind of reportable incident; or
- (ii) is a further reportable incident,

the worker must immediately notify his/her supervisor, the Incidents Officer, and the key personnel. We must notify the Commissioner of the significant new information as soon as reasonably practicable after becoming aware of the information and must give such notification in writing as set out in the Rules.

(k) Final report requests

The Commissioner may require written reports from us about reportable incidents. If the Commissioner requires such a report, we must abide by the direction in compliance with the Rules. The Incidents Officer will oversee this process, but all workers must do everything reasonable to support us to comply with the Rules.

(l) Commissioner action

The Commissioner may take a number of actions pursuant to the Rules in respect of a reportable incident. The Incidents Officer and the key personnel are responsible for ensuring that we satisfy our obligations under the Rules. Again, we may need to seek legal advice in respect of our rights and obligations under the Rules in this situation.

(m) Incident records must be kept

The Incidents Officer is responsible for recording and storing records about incidents in **both** hard copy paper and electronic formats in a safe and secure place. Records should remain onsite at all times. Access to records is limited to the Incidents and Privacy Officers and to key personnel who have a business or legal purpose for accessing records.

All incident reports, reportable incident reports, incidents registers and other documents relating to incidents or reportable incidents must be kept for at **least 7 years from the day the record is made**, and may be retained for longer than 7 years if required by law (e.g. laws relating to health records). **No information relating to an incident or reportable incident should be destroyed or disposed of without the prior written approval of the Incidents Officer.**

The Incidents Officer, in consultation with the Privacy Officer, will maintain appropriate controls in relation to the privacy and confidentiality of information relating to incidents.

All workers must maintain confidentiality in relation to incidents, except where disclosure is required by law, and should be particularly careful not to prejudice any subsequent investigation or legal process that could cause unnecessary trauma to impacted people or to workers and other people alleged to have caused an incident.

The Incidents Officer must collect statistical and other information relating to incidents to enable us to:

- (i) review issues raised by the occurrence of incidents; and
- (ii) identify and address systemic issues; and
- (iii) report information relating to complaints to the Commissioner, if requested to do so by the Commissioner.

(n) Procedural fairness

This Incident Management System requires that people are afforded procedural fairness when an incident or reportable incident is dealt with by the provider in accordance with the Rules.

(o) Training and compliance

All workers are responsible for compliance and must complete mandatory training on this Policy.

Our director will ensure that workers involved in conducting and responding to incidents, including the Incidents Officer, are trained appropriately in relation to the matters covered in this Policy.

The Incidents Officer has the primary role and responsibility to oversee this Policy and to identify, manage and resolve incidents and to work with staff to prevent incidents from occurring. All workers must abide by this policy. The Incidents Officer reports to the key personnel, who retain ultimate responsibility for overseeing compliance with this Policy.

Each person employed or otherwise engaged by us must comply with this Policy. Each person employed or otherwise engaged by us must complete training in the use of, and compliance with, this Policy and the rules.

Some incidents may be harder to identify than others, including when they may involve abuse, neglect or other types of reportable incidents. The Incidents Officer will train workers in how to spot additional signs that someone may be an impacted person, with reference to the Indicators of Incidents, including physical abuse, sexual contact, psychological, emotional or verbal abuse, domestic violence, neglect, and financial abuse outlined in Table 3 of the Guidance.

(p) Review of this Policy

In approving this Policy, the key personnel acknowledge that this Policy and our incident management system must continue to evolve as our structure and operations change over time, and as the complexity and risks associated with our supports and services change.

Periodically, and at least annually, the key personnel and the Incidents Officer must review the incident management system to ensure its effectiveness.

Appendix 1: Form of Incident Report to be filed when completed in the Incidents Register, and forming part of the Incident Management System

PART A - To be completed by worker with actual knowledge of the Incident:	
Time, date and place at which the incident occurred (if known):	<u>Time:</u> <u>Date:</u> <u>Place:</u>
If time, date and/or place of the incident not known, the time and date on which the incident was first identified by us:	<u>Time:</u> <u>Date:</u> <u>Place:</u>
Full description of the incident (to the best of your knowledge), including the impact on, or harm caused to, any person with disability affected by the incident:	
The names and contact details of the persons involved in the incident:	
The names and contact details of any witnesses to the incident:	
Our organisation's initial response to the person making the report, the impacted person, and any worker subject to an allegation, including actions taken to	

PART A - To be completed by worker with actual knowledge of the Incident:	
support or assist the person with disability affected by the incident:	
Your name, signature (and date):	<u>Full legal name:</u> <u>Signed:</u> <u>Dated:</u>

<u>PART B - To be completed by the Incidents Officer after communicating with workers and any person with disability and other people affected</u>	
Is the incident a reportable incident?	Yes <input type="checkbox"/> No <input type="checkbox"/>
Should the Police, a child protection agency, a workplace safety and/or another regulator be notified about the incident and/or the outcome of any reports made?	Yes <input type="checkbox"/> No <input type="checkbox"/>
<p>Details of the assessment undertaken in accordance with the Incident Investigation Principles (including where the investigation occurred, how the investigation was conducted and the outcomes of the investigation).</p> <p>This may include the investigation plan, details of the interviews conducted, including the questions and responses, and any decisions made and their rationale, and details of the person making the decision and the date of the decision).</p> <p>(Incorporate any documents created as part of this process by reference, and</p>	

<u>PART B - To be completed by the Incidents Officer after communicating with workers and any person with disability and other people affected</u>	
specify where the documents are stored and secured.)	
Actions organisation has taken in response to the incident, including actions taken to support or assist persons with disability affected by the incident:	
Any consultations undertaken with the persons with disability affected by the incident, including dates and details of discussions, questions, advice and outcomes	
Any consultations undertaken with others about incident, including dates and details of people and job titles, discussions, questions, advice and outcomes:	
If an investigation was undertaken in relation to the incident - the details and outcomes of the investigation:	
Have all persons with disability affected by the incident been provided with any reports or findings regarding the incident:	Yes <input type="checkbox"/> No <input type="checkbox"/> Details:
Risk assessment and follow up: identified risks, arrangements for managing risks	

PART B - To be completed by the Incidents Officer after communicating with workers and any person with disability and other people affected

<p>and decisions made to mitigate risks, including corrective actions recommended (e.g. service or policy changes, training, counselling, etc).</p>	
<p>Incidents Officer signature, name, contact details, and date:</p>	<p><u>Signature:</u></p> <p><u>Full Legal Name, Incidents Officer:</u></p> <p><u>Contact details:</u></p> <p><u>Date:</u></p>

Appendix 2:

Link to quick reference guide about the NDIS form that must be filled out by the Incidents Officer, with support from workers with actual knowledge of the reportable incident:

[NDIS Quality and Safeguards Commission: Create an Immediate Notification - Quick Reference Guide – Reportable Incidents](#)

(For more information, check out: [NDIS Quality and Safeguards Commission: Managing My Reportable Incidents - Quick Reference Guide](#))

Minimum contents of Reportable Incident Report

No.	Information required	Response
1	A description of the alleged incident	
2	If known - the time, date and place at which the incident is alleged to have occurred	
3	The names and contact details of the persons involved in the alleged incident	
4	The names and contact details of any witnesses to the alleged incident	
5	Details of the assessment undertaken in accordance with the requirements of subsection 10(3) of the Rules	

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No.	Information required	Response
6	The actions taken in response to the alleged incident, including actions taken to support or assist persons with disability affected by the incident	
7	Any consultations undertaken with the persons with disability affected by the alleged incident	
8	Whether persons with disability affected by the incident have been provided with any reports or findings regarding the alleged incident	
9	If an investigation is undertaken by the provider in relation to the alleged incident - the details and outcomes of the investigation	
10	Incidents Officer: The name and contact details of the person making the record of the alleged incident	