

# WHS-POL-PRO-06 Mix It Up – *Live life your way* Pty Ltd. Incident Management (Reportable Incidents, Accidents and Emergencies Policy and Procedures)



## 1. PURPOSE

Mix It Up - Live life your way Pty Ltd will comply with the National Disability Insurance Scheme (Incident Management and Reportable Incidents) Rules 2018.

It is our objective to maintain an incident management system that covers incidents that consist of acts, omissions, events or circumstances that:  
occur in connection with the provision of supports or services to a person with a disability  
has, or could have caused harm to a person with a disability.

## 2. SCOPE

All staff members are responsible for ensuring the safety of all participants who access our services. All incidents must be reported as per this policy. Management is responsible for ensuring that staff are trained and undertake the NDIS Worker Orientation training module.

## 3. DEFINITIONS

Term	Definition
<b>Incident</b>	Acts, omissions, events or circumstances that occur in connection with providing support or services to a person with a disability and have, or could have, caused harm to the participant.
<b>Reportable incident</b>	A reportable incident is any of the below: <ul style="list-style-type: none"><li>• The death of a person with a disability.</li><li>• Serious injury of a person with a disability.</li><li>• Abuse or neglect of a person with a disability.</li><li>• Unlawful sexual or physical contact with, or assault of, a person with a disability.</li><li>• Sexual misconduct is committed against, or in the presence of, a person with a disability, including grooming the person with a disability for sexual activity.</li><li>• Use of restrictive practice to a person with a disability where the restrictive practice use is not following an</li></ul>

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	authorisation (however described) of a state or territory concerning the person, or if it is used according to that authorisation but not following a behaviour support plan for the person with a disability.
<b>Incident management system</b>	<p>Incorporates all items listed below:</p> <ul style="list-style-type: none"> <li>• Acts, omissions, events or circumstances that occur in connection with providing support or services to a person with a disability; and have or could have caused harm to the person with a disability.</li> <li>• Incidents consist of acts by a person with a disability that occur in connection with providing support or services to the person with a disability and have caused serious harm or a risk of serious harm to another person.</li> <li>• Reportable incidents allegedly occurred to provide support or services to a person with a disability.</li> </ul>

#### **4.POLICY**

Mix It Up - Live life your way Pty Ltd. recognises that many of the participants of Mix It Up - Live life your way Pty Ltd. services are at risk of incidents and accidents. Mix It Up - Live life your way's accident, incident and emergency policy seek to:

- Minimise risk and prevent future incidents through the development of appropriate participant centred plans, staff training, assessment and review.
- Ensure that there is immediate management of an incident, accident or emergency and that each of these events are appropriately prioritised, managed and investigated.
- Identify opportunities to improve the quality of participant supports by ensuring that the Accident/Incident system is planned and coordinated, and links to the quality and risk management systems.

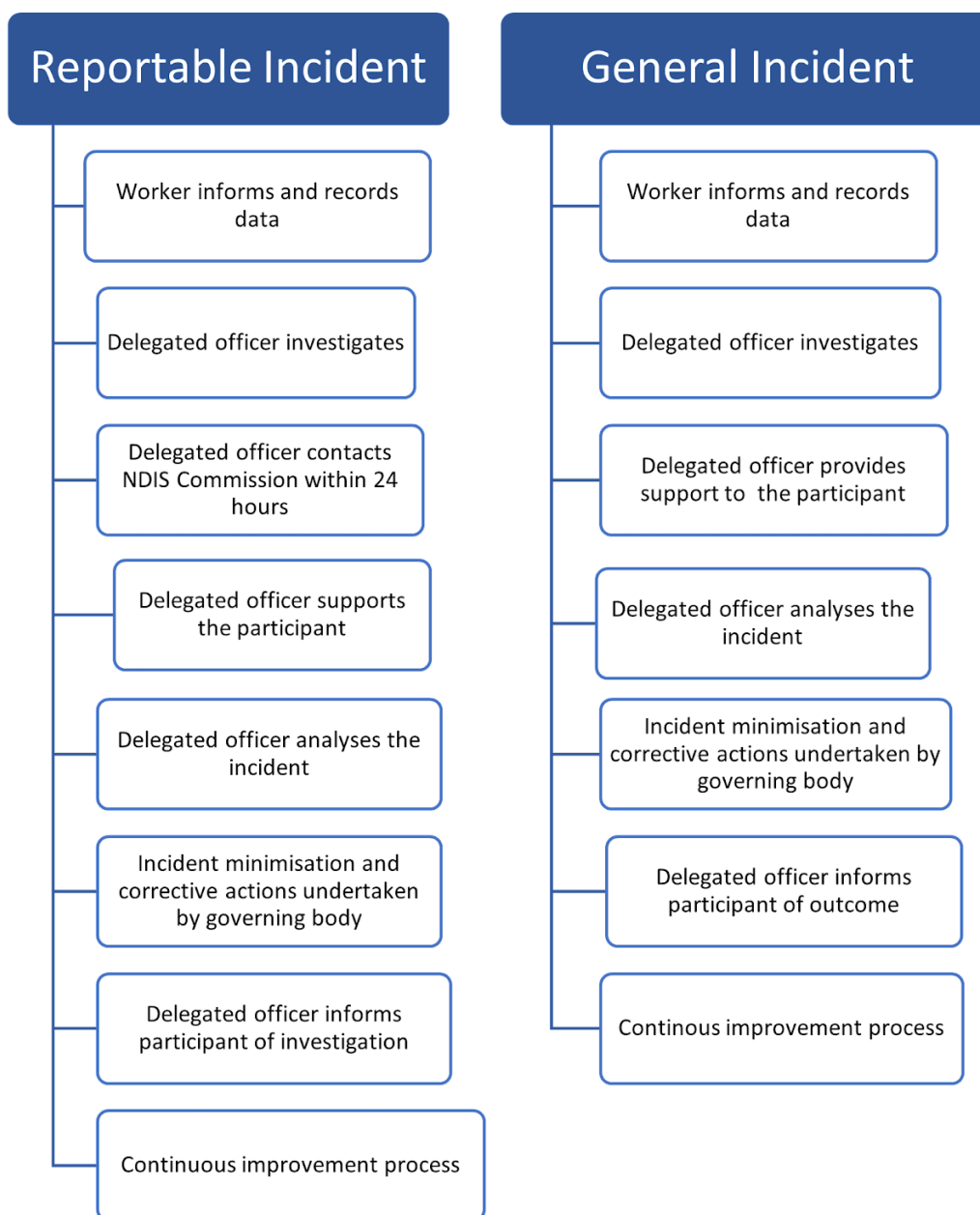
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## 5.0 PROCEDURE

### 5.1 Incident management procedure



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Mix It Up - Live life your way Pty Ltd will establish a procedure that identifies, manages and resolves incidents, as follows:

## Step 1. Inform of incident

1. The worker to report the incident to the Manager, WHS Officer and / or Director.
2. The worker completes an Incident Report that identifies and records details relating to the incident, i.e. people, place, time and date.

## Step 2. Investigation

1. The Manager, WHS Officer and / or Director will determine, from the information provided, if the incident is classified as a reportable incident by the NDIS Quality and Safeguards Commissioner or a different type of incident:
  - A reportable incident must comply with the reportable incident reporting process.
  - Mix It Up - Live life your way Pty Ltd will comply with the National Disability Insurance Scheme (Incident Management and Reportable) Rules 2018.
  - A general incident is an accident with non-reportable injuries.
1. The Manager, WHS Officer and / or Director will review the details of the incident:
  - People involved.
  - Location.
  - Circumstances.
  - The outcome, e.g. injury.
2. The Manager, WHS Officer and / or Director will investigate the incident/accident following the process outlined in the Incident Investigation Form to determine the required information:
  - Primary reasons for the event.
  - Underlying reasons for the event.
  - Immediate actions are required to fix the cause of the event.
  - Preventative actions are required for the future.
3. Any information learned from incidents/accidents will be incorporated into our continuous improvement cycle to prevent the same incident/accident from recurring.
  - The analysis and investigation of each incident will vary based on the seriousness of the incident.

## Step 3. Support participant

1. The Manager, WHS Officer and / or Director ensures that the affected participant is supported and assisted:
  - informing them that they have access to an advocate; if the participant does not have an advocate, the Manager, WHS Officer and / or Director can help access an independent advocate

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- reviewing their health status to assist and support
  - assessing the environment to ensure their safety and to prevent any recurrence
  - ensuring their well-being and assisting in developing the participant's confidence and competence so they do not lose any function/s.
1. The Manager, WHS Officer and / or Director or their delegate will review the incident with the participant and collaborate with the person/s involved to manage and resolve the incident.

**Step 4. Analyse incident**

1. As part of our continuous improvement process, the information gained from an incident is used to amend or implement new practices:
  - we will establish the incident cause/s and the effects and any operational issues that may have contributed to the incident occurring and the nature of the investigation
  - if an incident requires the implementation of corrective action, an appropriate plan will be developed to adjust practices according to the nature of the action required.
1. The Manager, WHS Officer and / or Director or their delegate will undertake an appropriate analytical process to:
  - determine the cause of the incident
  - ascertain if the incident was an operational issue
  - consider the participant's perspective, including:
    - whether the incident was preventable
    - how the incident was managed and reviewed
    - determining any remedial action required to minimise future impacts and prevent a recurrence.
  - identify why the incident occurred, e.g. environmental factors, participant health
  - ascertain if current strategies or processes require review and improvement.
  - devise new strategies or procedures, if required
  - plan staff training for any new strategies
  - implement new strategies
  - evaluate the success of new strategies.

All Incident Investigation Forms that include the Final Report, must be closed out by the Manager, WHS Officer and / or Director or their delegate and one other Mix It Up - Live life your way Pty Ltd staff member.

**Step 5. Incident/accident minimisation and corrective action**

1. Mix It Up - Live life your way Pty Ltd will risk-assess all participants in conjunction with our Risk Management Policy and Procedure.

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2. During staff orientation and regular ongoing training sessions, incidents and emergency minimisation and procedures are taught.
3. Risks will be identified, and control mechanisms agreed upon with participants.
4. Mix It Up - Live life your way Pty Ltd will consult with participants, and relevant stakeholders, to design specific risk control mechanisms to reduce risk to participants and their environment.
5. The effectiveness of mechanisms will be evaluated via:
  - participant review processes, including support plan review
  - participant feedback
  - case conferencing.
1. Internal and external risk audits.
2. Reviews of policies and procedures.

## Corrective actions

Upon completing the incident analysis procedure, any corrective action will be implemented. Each corrective action identified will be evaluated to ascertain the action's effectiveness, as per our Continuous Improvement Policy and Procedure, i.e. Plan, Do, Check, Act.

### Step 6. Informing participants

Mix It Up - Live life your way Pty Ltd will inform participants or their advocate of the incident outcome/s, either in writing or verbally, dependent on the participant and the situation. Collaborative practice will ensure the participant and their advocate are involved in the incident's management and resolution.

## 5.2 Staff training

Mix It Up - Live life your way Pty Ltd recognises the importance of prevention to ensure our staff and participants' safety. Our orientation process includes training in risk and safety practices, including manual handling, infection control, safe environments, and risk and hazard reduction.

Upon commencing employment with Mix It Up - Live life your way Pty Ltd, all staff are trained in organisational incident management processes, including how to report an incident and who to report an incident to the Director). All staff are given full access to our organisational policies and procedures to provide guidance. A Staff Incident Reference Card is provided to all staff as a guide.

## 5.3 Reportable incidents

Staff must report any reportable incident immediately that it becomes evident.

The Manager or Director is responsible for reporting all reportable incidents to the NDIS Quality and Safeguards Commission. Reportable incidents are serious incidents or allegations that harm any NDIS participant.

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As a registered provider, Mix It Up - Live life your way Pty Ltd is required to report serious incidents (including allegations) arising from the organisation's service provision to the NDIS Quality and Safeguards Commission. Reportable incidents involving NDIS participants include:

- the death of a person with a disability
- serious injury of a person with a disability
- abuse or neglect of a person with a disability
- unlawful sexual or physical contact with, or assault of, a person with a disability (excluding, in the case of unlawful physical assault, contact with, and impact on, the negligent person)
- sexual misconduct committed against, or in the presence of, a person with a disability, including grooming the person for sexual activity
- the use of a restrictive practice to a participant, other than where the restrictive practice use follows an authorisation (however described) of a state or territory concerning the person or a behaviour support plan.

## 5.3.1 Reporting roles

The organisation will establish the following roles and ensure that allocated staff are aware of their responsibilities:

1. Approved Reportable Incident Approver responsibilities:
  - Authority to review reports before submission to the NDIS Commission.
  - Views previous reportable incidents submitted by their organisation.
2. Authorised Reportable Incident Notifier responsibilities:
  - Supports the Authorised Reportable Incident Approver to collate and report the required information.
  - Creates new reportable incident notifications to be saved as a draft for review and submission by the authorised Approver.

### 5.3.2.1 Timeframes for notifying the NDIS Commission about reportable incidents

When a reportable incident occurs or is alleged in connection with the NDIS supports or services you deliver, you must notify us using the [NDIS Commission Portal](#) within the required timeframes (set out below). The timeframes are calculated from when a registered NDIS provider became aware that the incident occurred or was alleged to have occurred.

Reportable incident	Required timeframe
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death of a person with disability	24 hours
serious injury of a person with disability	24 hours
abuse or neglect of a person with disability	24 hours
unlawful sexual or physical contact with, or assault of, a person with disability	24 hours
sexual misconduct committed against, or in the presence of, a person with disability, including grooming of the person for sexual activity	24 hours
the use of restrictive practice concerning a person with disability if the use is not following a required state or territory authorisation and/or not under a behaviour support plan.	Five business days

### 5.3.2 Reportable incident procedure

The Manager or Director will review the information and contact the police immediately to inform them of any suspected abuse.

**Important note:** Information on how Mix It Up - Live life your way Pty Ltd reports abuse against children can be found in our Working with Children Policy and Procedure.

The Approver submits reportable incidents via the NDIS Commission Portal's My Reportable Incidents page. <https://www.ndiscommission.gov.au/providers/ndis-commission-portal>:

1. Complete an **Immediate Notification Form** and submit it within 24 hours:
  - Approved Reportable Incident Notifier will create for approval.
  - Approved Reportable Incident Approver will approve the report and submit it.

Note: Approved Reportable Incident Notifier may create and submit as required by the incident's circumstance.
1. **5-day form** to be completed within five days of key stakeholders being informed:
  - Approved Reportable Incident Notifier will create a form for approval.
  - Approved Reportable Incident Approver will approve and submit the form.

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Note: Approved Reportable Incident Notifier may create and submit as required by the incident's circumstance.

1. **Final Report** will be submitted on the due date if requested by the NDIS Commission:

- Approved Reportable Incident Notifier will create a report for approval.
- Approved Reportable Incident Approver will approve the report and submit it.

Note: Approved Reportable Incident Notifier may create and submit as required by the incident's circumstance.

Assessment of the incident by the Manager, WHS Officer and / or Director, or their delegate, will involve:

- assessing the incident's impact on the NDIS participant
- analysing and identifying if the incident could have been prevented
- reviewing the management of the incident
- determining what, if any, changes are required to prevent further similar events from occurring
- recording all incidents and responsive actions taken.

#### 5.5 Documentation

- All reportable incident reports and registers must be maintained for seven (7) years.
- This policy is to be reviewed annually or when legislation changes occur.
- All participants, families and advocates are informed of this policy.
- All staff are trained in the procedures outlined in this policy.
- Training details are recorded in each employee's personnel file

#### 6. RELATED DOCUMENTS

- Continuous Improvement Policy and Procedure
- Final Report (NDIS form)
- 5-day form (NDIS form)
- Incident Report
- Incident Investigation Form
- Incident Register
- Immediate Notification Form (NDIS form)
- Participant Handbook
- Participant Intake Checklist
- Risk Assessment Form
- Risk Management Plan
- Risk Register
- Risk Management Policy and Procedure
- Staff Orientation Checklist

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- Employment Checklist
- Staff Incident Reference Card
- Staff Training Record
- Training Register

## 7. REFERENCES

- NDIS (Incident Management and Reportable Incidents) Rules 2018
- NDIS Practice Standards and Quality Indicators 2021
- Privacy Act 1988 (Commonwealth)
- Disability Services Act 1986 (Commonwealth)
- Work Health and Safety Act 2011 (Commonwealth)

## REPORTABLE DEATHS (coroner) - South Australia

Usually, a police officer or doctor will notify South Australia’s State Coroner of any death that may be a reportable death.

A death must be reported to the State Coroner where it has occurred:

- unexpectedly, unusually or by a violent, unnatural or unknown cause
- on a flight or voyage to South Australia
- while in custody
- during or as a result or within 24 hours of certain surgical or invasive medical procedures, including the giving of an anaesthetic to perform a procedure
- within 24 hours of being discharged from a hospital or having sought emergency treatment at a hospital
- while the deceased was a ‘protected’ person
- while the deceased was under a custody or guardianship order under the *Children and Young People (Safety) Act 2017*
- while the deceased was a patient in an approved treatment centre under the *Mental Health Act 2009*
- while the deceased was a resident of a licensed supported residential facility under the *Supported Residential Facilities Act 1992*
- while the deceased was in a hospital or other facility being treated for drug addiction
- during, as a result, or within 24 hours of medical treatment to which consent had been given under Part 5 of the *Guardianship and Administration Act 1993*
- when a cause of death was not certified by a doctor.

## ***Procedure***

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- As an NDIS Provider, several categories may affect our participants. As requested, our organisation will supply any relevant information to the State Coroner as part of their coronial investigations.
- All details of the incident will be recorded in an Incident Investigation Form. The Director will ensure that staff complete any documentation required by the Coroner and ensure the completeness and accuracy of the information provided.
- The Director will be the point of contact for all discussions with the family and relevant stakeholders.
- All conversations will be documented for future use.
- Information will be supplied to the participant’s family about the State Coroner's processes using the link on their website: [Information for families](#)

## References

- [Coroners Act 2003 \(SA\)](#)
- [Courts Administration Authority of South Australia](#) (downloaded 17 November 2020 at 9:57 am)
- [Children and Young People \(Safety\) Act 2017 \(SA\)](#)
- [Mental Health Act 2009 \(SA\)](#)
- [Supported Residential Facilities Act 1992 \(SA\)](#)
- [Guardianship and Administration Act 1993 \(SA\)](#)
- [Information for families](#)

## 8. REVIEW

The review of this procedure is the responsibility of the Mix It Up - Live life your way Pty Ltd Management, WHS Officer and Director.

**APPROVED** \_\_\_\_\_(Signature)

**DESIGNATION** Mix It Up - *Live life your way* Pty Ltd. Director

**DATE**     /     /

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