



## **Reportable Incidents**

## **Policies & Procedures**

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# REPORTABLE INCIDENTS

## Scope

This Reportable Incident Policy applies to all 123 Support Services staff.

## Purpose

As a registered NDIS provider, 123 Support Services must **notify the NDIS Commission of all reportable incidents** (including alleged reportable incidents) that occur (or are alleged to have occurred) in connection with the provision of NDIS supports or services 123 Support Services deliver, even where 123 Support Services have recorded and responded within your own incident management system.

For an incident to be reportable, a certain act or event needs to have happened (or be alleged to have happened) **in connection with the provision of supports or services**.

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
- use of a restrictive practice in relation to a person with disability where the use is not in accordance with an authorisation (however described) of a state or territory in relation to the person, or if it is used according to that authorisation but not in accordance with a behaviour support plan for the person with disability.

If there is no authorisation process (however described) of a state or territory in relation to the use of the restrictive practice, its use is not a reportable incident if the use is in accordance with a behaviour support plan.

If informed by the commission, 123 Support Services may need to undertake specified remedial steps, carry out an internal investigation about the incident, or engage an independent expert to investigate and report on the incident.

## Responsibilities of Each Member of Staff

All staff members are required to:

- be familiar with 123 Support Services' Reportable Incident Policy
- understand the reportable incident timeframes.

- Know how to notify the NDIS Commission

## Timeframes

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

When a reportable incident occurs, or is alleged to have occurred in connection with the NDIS supports or services you deliver, you must notify the NDIS Commission 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
death of a person with disability	<b>24 hours</b>
serious injury of a person with disability	<b>24 hours</b>
abuse or neglect of a person with disability	<b>24 hours</b>
unlawful sexual or physical contact with, or assault of, a person with disability	<b>24 hours</b>
sexual misconduct committed against, or in the presence of, a person with disability, including grooming of the person for sexual activity	<b>24 hours</b>
the use of a restrictive practice in relation to a person with disability if the use is not in accordance with a required state or territory authorisation and/or not in accordance with a behaviour support plan.	<b>Five business days</b>

Reporting is required even when you have acted and responded to incidents in accordance with your own incident management system. Failure to report within the statutory timeframes is a contravention of the NDIS Act and could lead to infringement notices or other compliance actions.

Registered NDIS providers should use the [NDIS Commission Portal](#) 'My Reportable Incidents' page to notify and manage all reportable incidents.

## How to Notify the NDIS Commission

### How to notify the NDIS Commission about a reportable incident

Registered NDIS providers should use the [NDIS Commission Portal](#) 'My Reportable Incidents' page to notify and manage all reportable incidents and must complete the following steps.

#### STEP 1. Notify the NDIS Commission

- Submit an Immediate Notification Form via the [NDIS Commission Portal](#) **within 24 hours** of key personnel becoming aware of a reportable incident or allegation.
- The Immediate Notification Form includes a number of sections and questions, concerning details of the reportable incident, actions taken in response to the incident and the individuals involved in the incident.
- An exception to this rule is notifying the NDIS Commission of the use of a restrictive practice that is unauthorised or not in accordance with a behaviour support plan. In these instances, the provider must notify the NDIS Commission within five business days of being made aware of the incident. If, however, the incident has resulted in harm to a person with disability, it must be reported within 24 hours.
- To notify the NDIS Commission of an incident the authorised 'Notifier' or 'Approver' needs to login to the NDIS Commission Portal and select 'My Reportable Incidents' tile at the top of the screen. From here, you will be able to complete an Immediate Notification Form.
- The NDIS Commission suggests the '**Authorised Reportable Incidents Approver**' is the person you want to have the authority to review and be responsible for submission to the NDIS Commission. This could be the person specified in your incident management system who is responsible for reporting incidents to the NDIS Commission. The authorised 'Approver' will have the ability to submit new Reportable Incidents and view previous Reportable Incidents submitted by their organisation.
- The NDIS Commission suggests the '**Authorised Reportable Incidents Notifier**' is a supporting team member who can assist the 'Authorised Reportable Incidents Approver' to collate and report the required information. The authorised 'Notifier' will have the ability to create new Reportable Incident notifications to be saved as a draft for review and submission by the authorised 'Approver'. The authorised 'Notifier' will need to inform the authorised 'Approver' that the Incident is awaiting their review and submission. The 'Notifier' can also view past Reportable Incidents they have created through the page.

### **STEP 2: Submit a 5 Day Form**

- The 5 Day form must be submitted via the 'My Reportable Incidents' portal **within five business days** of key personnel becoming aware of a reportable Incident. This provides additional information and actions taken by the registered NDIS provider.
- The five-day form is also to be used for incidents involving the unauthorised use of a restrictive practice, other than those resulting in immediate harm of a person with disability.

### **STEP 3. Submit a final report, if required**

- You may be required to provide a **final report**. When this is the case, the NDIS Commission will notify you via email and tell you the date this is due.
- If you are required to submit a final report, you will have access to the final report fields on the NDIS Commission Portal for that incident.

There are key considerations for registered NDIS providers. In all cases, providers must assess:

- The impact on the NDIS participant.
- Whether the incident could have been prevented.
- How the incident was managed and resolved.
- What, if any, changes will prevent further similar events occurring.
- Whether other persons or bodies need to be notified.

Where appropriate, the NDIS Commission may require a provider to take remedial measures. The NDIS Commission may work with the provider to implement these measures and monitor progress. Remedial measures may include, but are not limited to, additional staff training and development or improved services to support NDIS participants and updating policies and procedures.

## **Effectiveness and Review**

The Director will review this Policy and Procedures document each 12 months on the anniversary of its approval.