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1.12 Child Care Services Taree & Districts Inc.

Reportable Incidents

NDIS Quality and Safeguard Commission have set guidelines relating to reporting harm and abuse towards a person with a disability.
Reportable incidents can threaten the health safety and wellbeing of participants, workers, families, carers, community members and NDIS Providers
Positive personal and social development of people with disability, including children and young people, is promoted.
These guidelines ensure Providers policies and procedures have an established process, timeframe and documentation required relating to reporting harm and abuse,

The Purpose of the Policy:

Policy and process complies to NDIS Quality and Safeguard Reportable Incident Guidelines 2018 Child Care Services Taree & Districts Inc. believe that policies and procedures provide a clear process for reporting harm and abuse of a person with a disability it also provides an opportunity to review current practices and supports accountability when working with a person with a disability All workers have a responsibility to report incidents, suspected incidents or allegations of risk of harm or abuse of any person with a disability within their role.

Principles

- Management of incidents or allegations is respectful, responsive and the person's needs and values are supported.
- Management should reveal the factors which contributed to the incident and seek to prevent incidents from reoccurring where appropriate
- Process is easy to understand, accessible and consistent
- Providers are responsible for appropriate management of responses
- All roles and responsibilities are clearly defined and everyone involved is accountable for their actions
- Critical reflection facilitates ongoing quality improvement and ensures safety for participants, workers and the provider
- The investigation or actions following an incident will be proportionate to the harm caused and any risk of further harm caused to people with a disability

What is a reportable incident?

- The incident must involve an act defines in 73Z(4) of the Act and Section 16 of the NDIS (Incident Management and Reportable Incidents) Rules 2018
- The incident must have occurred or is alleged to have occurred within the provision of supports

Reportable Incidents

- 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, physical contact or assault of a person with a disability
- Sexual misconduct committed against or in the presence of a person with a disability including grooming for sexual activity
- Unauthorised use of restrictive practices in relation to a person with a disability

All reportable incidents or alleged reportable incidents must have occurred during CCSTD NDIS supports or services being provided. This includes but is not limited to:

- a) when a person we support is receiving a support or service (eg the person is receiving care from a worker);
- b) when a person we support visits a CCSTD site, or where the service is provided 'off site', and an incident occurs at the location where those supports and services were provided;
- c) where a person is receiving funded supports at home; or
- d) where a person we support is in residential care.

For the purposes of this procedure, any of the above-mentioned reportable incidents can occur between:

- a) staff and the person we support; or
- b) two or more people we support; or
- c) involve at least one person we support.

Process

Whenever CCSTD staff become aware that a reportable incident has occurred staff should

- take appropriate steps to ensure their safety and that of others
- ensure the victim is protected from any further harm or contact with the alleged offender
- apply first aid where necessary
- notify the doctor or ambulance if the person we support or any other person is injured
- contact the local branch of the NSW Police if a person we support has been physically or sexually assaulted or dies as the result of an assault
- complete a Mandatory Report
- immediately call the Child Protection Helpline on 132 111 if an incident involves a child or young person; or
- complete an MRG; or
- contact the local Sexual Assault Service if a person with disability has been sexually assaulted
- Support Workers are to complete a Hazard/Incident Report Form

Providers must report all reportable incidents, including allegations, to the NDIS Commission even when the provider has acted and responded appropriately. Failure to comply may result to compliance and enforcement action by the NDIS Commission. Reports must cover events, incidents or allegations that may have occurred during supports, altered supports or withdrawn supports

CCSTD believe that training workers is an essential responsibility towards reporting risk of harm or abuse concerns and supporting persons with disabilities.

We will;

- Ensure all employees and support workers have completed child protection, the use and compliance of incident management system for a person with a disability as part of induction and is refreshed annually.
- Ensure all employees and support workers are aware of the indicators of abuse and neglect of children, young people and a person with a disability.
- Ensure all employees and support workers are aware of their obligation to advise the workplace manager of concerns about the safety, welfare and wellbeing of children, young people and persons with a disability that arise during the course of their work.
- Ensure that all workers are aware of their mandatory obligation to report suspected risk of significant harm and of the procedures for doing so.
- Use appropriate tools to inform decision making, such as the online Mandatory Reporter Guide, NDIS requirements for incident management, professional judgment or specialist advice, where there are concerns about risk of harm.
- Concerns about the safety, welfare or wellbeing of a child, young person or adult with a disability constitutes risk of significant harm, all suspected or allegations of abuse, neglect or risk of harm are reported to the NDIS Coordinator or Manager
- NDIS Coordinator or Manager will report incidents to NDIS Commission and child protection mandatory reporters helpline.
- Providers will contact the Child Wellbeing Unit and NDIS Commission about the safety, welfare and wellbeing of children, young people and a person with a disability where:
 1. There are concerns about risk of harm, that do not meet the threshold of significant harm but are not trivial
 2. The Mandatory Reporter Guide or NDIS Incident Management System indicates this should be done.
 3. A case has been reported to Family and Community Services and did not meet the risk of significant harm threshold.
 4. There is an observable pattern of cumulative harm that does not meet the threshold of significant harm.
- Take reasonable steps to coordinate decision making and coordinate services to children, young people and a persons with a disability and their families with other local service providers, if required.
- Collaborate with other agencies for the care and protection of people with a disability in ways that strengthen and support the family and in a manner that respects the functions and expertise of each service provider.
- Exchange relevant information to progress assessments, investigations and case management as permitted by law.
- Respond to a request for a service from Family and Community Services provided that the request is consistent with departmental responsibilities and policies.

Notifiable Time Frame

- All reportable incidents are notified to the NDIS Commission within 24 hours of the Registered Provider becoming aware of the incident or allegation
- Unauthorised use of restrictive practices must be notified within 5 days of the Registered Provider becoming aware of the incident or allegation

To notify the NDIS Commission of a reportable incident, download and complete the Reportable incident – Immediate notification form. Once completed, you can email it to the NDIS Commission

Reportable Incidents involving the Use of Restrictive Practice

Each participant that is subject to an emergency or unauthorised use of a restrictive practice has the use of that practice reported and reviewed. The action should be reported in the Hazard/Incident Report Form and the Manager or NDIS Coordinator should be notified. CCSTD will collaborate with mainstream services such as the police and/or other emergency services in responding to the unauthorised use of restrictive practices. The Commissioner will be notified of all Reportable Incidents. The Manager, NDIS Coordinator and Support Workers will be involved in a debriefing where any unauthorised restrictive practice is used. A review may be required of the current BSP and Restrictive practices in place by the specialist behaviour support provider. Authorisation for the use of restrictive practices should always be used. The participant or participant's representative will always be included in the reviewing process.

Relevant Legislation and Standards

- NDIS Practice Standards
- NDIS Code of Conduct
- NSW Disability Service Standards (NSW DSS)
- NDIS Terms of Business
- Freedom of Information Act 1982
- Privacy and Personal Information Act 1988 (NSW)
- The Disability Inclusion Act 2014 (NSW) and Disability Inclusion Regulation 2014 (NSW)
- Mental Health Act 2007 (NSW)
- Ombudsman Act 1974 (NSW)
- NDIS National Quality and Safeguards Policy 2018 (Guidance on min. requirements of incident management system)
- Children and Young Persons (Care and Protection) Act 1998
- Restrictive Practices Authorisation in NSW from 1 July 2018