

Purpose

The purpose of this policy is;

- To provide direction and support to Amicus staff in participant incident response, and post incident management and investigation.
- To ensure that the safety and well-being of participants is maintained through timely and effective responses and reporting of incidents that occur during service delivery.
- To enhance the quality of support provided to every participant through internal review of all incidents and the development of practices and processes to support the prevention of incidents from reoccurring in the future.
- To establish a procedure for identifying the impact of incidents and responding in accordance with the relevant practice guidance, governing bodies reporting requirement, and any other compliance requirement.

Authorisation

This policy is authorised by the Chief Executive Officer

Policy

Application

This policy is implemented and supported by *PCE 13.2 Amicus participant incident manual*. Please refer to the manual for all supplementary information, including further details of all external reporting requirements, internal process information including how we will respond to an incident, and when we will conduct an investigation.

Incident definition

A participant incident is something that;

- happens to a participant
- is in connection with supports provided by Amicus
- results in or has the potential to physically, psychologically or emotionally harm the participant
- the effect / impact may be for a short time (minutes /days) or a longer time (weeks).

This is any act, omission or disclosure, event or circumstance involving a participant that occurs in service delivery that causes or could have (“near miss”) resulted in injury, illness, damage or harm to a person, property, environment or community concern.

This is inclusive of;

- Hazards – where the impact is directly on the participant (or risk of).
- Accidents – where the participant has been impacted.
- Reporting or disclosure of an allegation of abuse, neglect or misconduct made against any internal or external stakeholder (where in connection with service provision by Amicus).
- Reporting or disclosure of an allegation of child abuse, or misconduct towards a child.
- Breach of privacy, where the impact of the breach of privacy is directly on the Participant.
- Acts by a participant that occur in connection with providing supports or services to the participant and which have caused serious harm, or a risk of serious harm, to another person.

At Amicus staff are required to report all incidents that involve a participant via our incident management system within 24 hours of the incident occurring.

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Scope

All Amicus service provision is included in the scope of this policy and supporting documentation – inclusive of all funding streams and business units.

Participant incidents include all incidents disclosed to, or observed by, a service provider at any service delivery setting (for example, provider premises, participant’s home, whilst in the community). This can include disclosure from a participant, an informal or formal support, or another provider to Amicus. All incidents have a component of analysis and learning that examines existing systems, processes and staff knowledge, which can be strengthened to reduce the likelihood of the same incident occurring again.

This policy is to be read in conjunction with relevant governing body guidance and rules and any support internal policy and procedure, for further information please refer to the reference material (pg. 9) and related documents (pg.8).

Amicus role and responsibilities in responding to participant incidents

Amicus will;

- Inform participants about the incident management practices and how we provide supports in a safe environment. Provide information to participants on how their incidents will be managed in an accessible format.
- Identify to participants the circumstances in which we are obliged to share information about participants with the NDIS Quality and Safeguard Commission, Commission for Children and Young People, Aged Care Commission, Department of Family, Fairness and Housing, and any other relevant reporting body.
- Promptly and appropriately identify and respond to, record, report and investigate (as required) the incident to ensure the incident is prevented from reoccurring in the future.
- Make effective use of information and communication technologies and systems that collect data and track the progress of incident responses.
- Seek the views of the participant/s and staff impacted by the incident, and any feedback at the conclusion of the incident response on the effectiveness of the management of every event in order to improve how incidents are managed.
- Provide supports and services in a safe and competent manner.
- Promptly take steps to raise and act on concerns about matters that may impact on the quality and safety of supports and services provided to people with disability.
- Take reasonable steps to prevent and respond to all forms of violence against, and exploitation, neglect and abuse of people with disability. Take all reasonable steps to prevent and respond to sexual misconduct.
- Take all allegations of abuse, neglect, exploitation and discrimination seriously and respond according to best practice.
- Offer staff training in trauma informed practice, to ensure trauma informed support is available to our participants.
- Accommodate the vulnerabilities of trauma survivors including people from diverse backgrounds by placing emphasis on physical and emotional safety of everyone, and commit to minimising the risks of re-traumatisation.
- Focus on the whole context in which a service is provided and not just on what is provided.
- Continue to pursue and embed our commitment to being a provider of choice and employer of choice by taking actions that go beyond compliance.

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- Foster a culture of continuous improvement, and implement change and improvement in a systematic and considered way, with consultation of our key stakeholders, recognising people who deliver and people who receive the services are our partners in the improvement effort.
- Ensure procedural fairness is afforded to a person if their rights or interests may be adversely or detrimentally affected in a direct and specific way when handling of a complaint or investigation.
- Recognise that each person we support has the right to privacy, dignity, and confidentiality in respect of all aspects of their lives. Amicus ensures that all support provided to the person is respectful, professional and endorses and maintains their right to privacy, dignity, and confidentiality at all times.

Amicus staff will;

- Think about how their actions and attitudes impact on the quality of support they provide, seek feedback, and keep improving their practice.
- Support participants to understand, explore and think creatively about their options and uphold their decisions.
- Be present, pay attention to how the participant's needs may change, and respond accordingly.
- Work with participants to make sure services and supports are enabling the opportunity to live their best life, and support participants to make changes when needed.
- Ensure quality of service provision by responding to the immediate needs of a participant during and post an incident occurring, and by actioning all communication and reporting within the applicable policy timeline.

Incidents not responded to by this policy

Incidents where the impact isn't to a participant;

- Incidents occurring where the impact of the incident is on a staff member are to be responded to via Amicus Staff Accident Injury and Incident Reporting (see *HR 9.1.1 Staff Accident Injury and Incident Reporting*).
- Hazards identified where the impact is on, or has the potential to be, Amicus staff members, or the community via the Amicus hazard reporting system, or through other appropriate channels, such as Worksafe or Victoria Police (see *O 2.7.2 Hazard reporting policy* and *O2.7 Occupational Health and Safety policy*).

External reporting requirements

Additional to the internal reporting requirements, some incidents are required to be reported to other agencies, funding or governing bodies.

NDIS – summary

Our incident management system must cover:

- Acts, omissions, events or circumstances that occur in connection with providing NDIS supports or services to a person with disability and have, or could have, caused harm to the person with disability
- Acts by a person with disability that occur in connection with providing NDIS supports or services to the person with disability and which have caused serious harm, or a risk of serious harm, to another person
- Reportable incidents that have or are alleged to have occurred in connection with providing NDIS supports or services to a person with disability

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Subsection 73Z(4) of the NDIS Act states that reportable incident means:

- the death of a person with disability; or
- serious injury of a person with disability; or
- abuse or neglect of a person with disability; or
- unlawful sexual or physical contact with, or assault of, a person with disability; or
- sexual misconduct committed against, or in the presence of, a person with disability, including grooming of the person for sexual activity; or
- 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.

CIMS – Summary

An incident that has occurred ‘during service delivery’ is an incident that occurs during any of the following circumstances:

- while a service is being directly provided
 - as a result of, or related to, a deficiency or a potential failure in service provision (for example, through hazards, neglect or inadequacy).

CIMS incident categories are;

Major impact incident

- The unanticipated death of a client
- Severe physical, emotional or psychological injury or suffering which is likely to cause ongoing trauma
- A pattern of incidents related to one client which, when taken together, meet the level of harm to a client. This may be the case even if each individual incident is a non-major impact incident
- Certain incidents are always required to be reported as major impact incidents. These are an unexpected death, escape from a secure facility, physical and sexual abuse, and sexual exploitation. Where physical abuse does not meet the level of harm for a major impact incident, this must instead be reported as inappropriate physical treatment.

Non-major impact incident

- Incidents that cause physical, emotional or psychological injury or suffering, without resulting in a major impact
- Impacts to the client that do not require significant changes to care requirements, other than short-term interventions: for example, first aid, observation, talking interventions or short-term medical treatment
- Incidents that involve a client but result in minimal harm
- Incidents that do not otherwise meet the criteria for ‘major impact’.

Commission for Children and Young People - Reportable Conduct Scheme

There are five types of ‘reportable conduct’ listed in the Child Wellbeing and Safety Act 2005:

- sexual offences (against, with or in the presence of, a child)
- sexual misconduct (against, with or in the presence of, a child)
- physical violence (against, with or in the presence of, a child)
- behaviour that causes significant emotional or psychological harm
- significant neglect.

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Victorian Disability Worker Commission – Disability Worker Regulation Scheme notification

Disability workers and employers must tell the Victorian Disability Worker Commission (VDWC) about any concern relating to the conduct of a disability worker that may be putting safety at risk, this process is called a 'notification' under the Disability Worker Regulation Scheme (DWRS). The DWRS identifies participants as 'service users'.

These notifications include;

1. A worker intoxicated whilst practicing (providing supports)
2. Sexual misconduct which includes when a disability worker has at any time (including outside of work hours);
 - a. Engaged in sexual activity with a service user, whether or not that person has given consent
 - b. Made sexual remarks about a service user
 - c. Touched a service user in a sexual way
 - d. Engaged in sexual behaviour in front of a service user
3. Detrimental impairment that affects (or is likely to detrimentally affect) the disability worker's capacity to practise.
4. Significant departure from professional standards which includes practise outside of applicable codes of conduct, and covers both practise and professional behaviour.

TAC reportable incidents - summary

A 'serious incident' is where suspicion, complaint, allegation or other evidence is received or obtained regarding:

- the death of, or serious injury to a TAC client or WorkSafe injured worker
- a health, safety, abuse or risk to a client/worker, or where there is a failure to meet basic client needs
- a provider experiencing significant organisational disruption and executive mismanagement
- the ongoing financial viability of the provider
- conduct which is, or is potentially, fraudulent, illegal or is engaged in other criminal activity.

Worksafe notification – summary

The legal requirement to notify WorkSafe Victoria applies to incidents involving any person, including:

- staff
- residents or clients
- contractors
- visitors.

Notifiable incidents include;

- death of a person
- a person needing medical treatment within 48 hours of being exposed to a substance
- a person needing immediate treatment as an in-patient in a hospital
- a person needing immediate medical treatment for one of the following injuries: amputation, serious head injury or serious eye injury, removal of skin (example: de-gloving, scalping), electric shock, spinal injury, loss of a bodily function, serious lacerations (example: requiring stitching or other medical treatment).

Responsibilities

All staff within Amicus are responsible for implementing this policy. It is everyone's responsibility to ensure the safety and wellbeing of participants, and to work within all relevant standards, procedures and guidelines inclusive

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of any relevant code of conduct. All staff are required to be vigilant in reporting incidents when they occur so that appropriate support can be provided to those affected, and the circumstances examined to reduce the likelihood of similar events occurring again.

Incidents, Complaints and Investigations Officer

The role of the Incidents, Complaints and Investigations Officer is to;

- Review the operation of the incident management system regularly to ensure it is delivering effective outcomes, and to look for improvements in the process.
- Support the immediate needs of the clients being met at the time of the incident, and appropriate follow up actions are taken or planned.
- Provide detailed guidance on investigation processes where appropriate.
- Support the reporting to Victoria Police, the coroner and Worksafe.
- Implement a systematic approach to reviewing incidents.
- Review and analyse individual and collective incident information over time to identify lessons and policy and practice implications.
- Generate and implement improvement strategies and action plans.
- Undertake compliance checks to assess the ongoing implementation of effective incident management and reporting policy.
- Develop and maintain associated documents, tools and processes.
- Support and maintain a focus on quality of services, ensuring that the participant is heard, and all actions are progressed with the participant voice at the centre.
- Regular report to the Amicus executive leadership, and Board of Management on risks, outcomes, areas for improvement and progress on achieving open opportunity for improvement.
- Undertake the role of the person responsible, (including notifier and approver) of all reportable incidents across the multiple reporting formats.

Amicus On-Call / Afterhours Service

- On-Call / Afterhours Service is the first contact point for leadership outside usual business hours
- On-Call will provide support during the immediate response to an incident at the time it occurs, inclusive of any follow up actions that are required prior to the most appropriate supervisor returning to shift.
- On-call will provide a summary of support and response provided in line with incident reporting timelines, to ensure all internal stakeholders are aware of the immediate response actions taken.

Supervisors (including Team Leaders, SIL Manager, Business Unit Managers)

Members of the management team, including team leaders, SIL managers, and business unit managers are accountable for the services their teams and support workers provide and must have systems in place for managing this.

Supervisors are responsible for;

- Mentoring and the supervision of staff to support, monitor and develop staff.
- Implementing policies, procedures and systems for effective health and risk management so that workers know their roles and responsibilities, look out for their own safety, and balance dignity of risk with duty of care when supporting participants.
- Supporting the immediate response to an incident, at the time it occurs, inclusive of any follow up actions.

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- Ensuring reporting timelines are met, both for the initial incident report (within 24 hours), or for the manager’s response (as per the notified timeline sent by the ICIO).
- Assigned tasks via the post incident response actions, and will be asked to provide summary reporting and confirmation of the action occurring for documenting purposes.
- Supporting the provision of a safe environment for staff and clients that fosters a culture of collaboration, teamwork and transparency.
- Proactively identifying and managing risks before incidents occur, including speaking up about quality and safety concerns. And are a key to ensuring the participant voice is heard and responded to in a meaningful and empowering way.

Support Workers and SIL Key Workers

Support workers and SIL key workers are responsible for preventing, responding to and reporting participant incidents. As soon as it’s safe to do so, support workers and SIL key workers are required to;

- Notify their most appropriate supervisor that the incident has occurred.
- Communicate with the participant, asking what they would like to happen next, detailing any steps the staff member will take, and requesting feedback to ensure we are responding in a way that balances the participant need with our reporting requirements.
- Provide an incident report via the approved process, and within 24 hours of the incident occurring.

Support workers and SIL key workers are;

- Required to engage with the post incident response actions on request, including providing additional or supporting information or documentation. This includes sharing information and learnings across their team and with their leadership, speaking up and raising concerns about quality and safety for our participants, and Amicus staff, working with and supporting participants to have their voice heard in the post incident process.
- Responsible for proactively identifying and managing risks before incidents occur, including speaking up about quality and safety concerns.

Coaches

- Coaches will support the setting of clear expectations of what best practice looks like, provide access to support and coaching, and develop worker awareness and capabilities to deliver quality supports and services, including meaningful, timely and thorough incident responses.

Learning and Development

- Learning and Development will ensure all staff are trained in, and understand Amicus’ incident management system. Staff must know what to look for, how to respond and what to record for all incidents, including those where harm was avoided (“near miss”).
- Responding to and sourcing training in line with any recommendation or post incident outcome will be progressed by Learning and Development in consultation with the Business Unit aligned to the incident.

People and Culture

- People and Culture are responsible for designing a person centred approach to manage health and risk, consistent with the rights of people with disability to take and learn from risks, organisational values, and the right of workers to a safe work environment.

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- People and Culture will work collaboratively with the person responsible for undertaking any post incident response action, or undertaking an investigation, to ensure any human resources considerations are applied. People and Culture will respond and support (when requested) to all performance management and disciplinary actions identified in any post incident response action or investigation.

Authorised Program Officer

The APO is responsible for;

- Reviewing, endorsing and submitting a Behaviour Support Plan (BSP) developed by a Behaviour Support Practitioner, for all participants where Amicus is the implementing provider. This is done via the restrictive intervention data system (RIDS), and is submitted to the Victorian Senior Practitioner as part of the Victorian Office of Professional Practice.
- Submitting the approved BSP and approval letter to the NDIS Quality and Safeguard Commission (NQSC) via the Proda reporting system.
- Reporting all use of authorised restrictive practice to the NQSC (or via RIDS for participant's funded by Victorian state government bodies) as per the monthly reporting requirements.
- Reporting all use of un-authorised restrictive practice to the NQSC via the PRODA reportable incident portal.

Related documents

PCE 13.2 Participant incident manual

PCE 13.3 Fact sheet 1: staff incident response

PCE 13.4 Fact sheet 2: supervisor incident response

PCE 13.5 Fact sheet 3: participant information

PCE 13.6 Participant incident management system: reference guide (*document in development*)

PCE 13.7 Responding to medication incidents: reference guide

PCE 13.8 How to respond to disclosure and allegation: reference guide (*document in development*)

PCE 13.9 Restrictive practice and the APO interface: reference guide

PCE 13.10 Participant incident report

PCE 13.11 Participant incident supervisor response

PCE 13.12 Participant incident response action plan

PCE 13.13 Participant incident risk assessment and control action plan

PCE 13.14 Reportable incidents rationale assessment

PCE 13.15 Incident Case Review (*document in development*)

PCE 13.16 Incident enquiry - outcome report

PCE 13.17 Participant incident categories matrix: reference guide

PCE 13.18 Participant COVID-19 positive reporting: reference guide

PCE 13.19 Medication mismanagement action plan

PCE 13.20 Participant incident management system flowchart

PCE 6.0 Service delivery and ICIO weekly meeting

PCE 6.1 Recommendation action plan and outcome record

PCE 6.2 Root cause analysis report (*document in development*)

PCE 6.3 Investigation report (*document in development*)

PCE 6.4 Record of interview

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PCE 6.6 Incident and feedback investigations: reference guide (*document in development*)

PCE 6.7 Incident and feedback – further information gathered

Reference material (including external links)

NDIS Quality and Safeguard Commission, ***Practice Standards and Quality Indicators***

<https://www.ndiscommission.gov.au/providers/ndis-practice-standards>

NDIS Quality and Safeguard Commission, ***Reportable incidents: Detailed Guidance for Registered NDIS Providers June 2019***

<https://www.ndiscommission.gov.au/document/596>

Aged Care Quality and Safety Commission, ***Reporting serious incidents: Practical tips for providers when making a notification December 2021***

<https://www.agedcarequality.gov.au/resources/reporting-serious-incident-practical-tips>

Australian Government, Department of Health, ***Serious Incident Response Scheme (SIRS)***

<https://www.health.gov.au/initiatives-and-programs/serious-incident-response-scheme-sirs>

Department of Families, Fairness and Housing, ***Client incident management guide: Client incident management system January 2020***

<https://providers.dffh.vic.gov.au/client-incident-management-guide-cims-word>

Department of Families, Fairness and Housing, ***Targeted Care Packages guidelines January 2018***

<https://providers.dffh.vic.gov.au/targeted-care-packages-guidelines-january-2018-word>

Department of Health & Human Services (VIC), ***Community services quality governance framework***

<https://www.dhhs.vic.gov.au/publications/community-services-quality-governance-framework>

Australian Government, My aged care, ***Commonwealth Home Support Programme***

<https://www.myagedcare.gov.au/help-at-home/commonwealth-home-support-programme>

NDIS Quality and Safeguard Commission, ***The NDIS Code of Conduct - Guidance for service Providers***

<https://www.ndiscommission.gov.au/document/566>

Commission for Children and Young People, ***Reportable conduct scheme***

<https://ccyp.vic.gov.au/reportable-conduct-scheme/>

Commission for Children and Young People, ***Child safe standards - Standard 5: responding and reporting***

<https://ccyp.vic.gov.au/child-safe-standards/the-seven-standards-and-the-child-safe-principles-2/standard-5-responding-and-reporting/>

Commission for Children and Young People, ***Child Safe Standard 6: Strategies to identify and reduce or remove risks of child abuse***

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<https://ccyp.vic.gov.au/child-safe-standards/the-seven-standards-and-the-child-safe-principles-2/standard-5-responding-and-reporting/>

Victorian Disability Worker Commission, **Notifications**

<https://www.vdwc.vic.gov.au/notifications>

Blue Knot, **Empowering recovery from complex trauma**

<https://professionals.blueknot.org.au/>

NDIS Quality and Safeguard Commission, **National Disability Insurance Scheme (Incident Management and Reportable Incidents) Rules 2018**

<https://www.ndiscommission.gov.au/about/legislation-rules-policies>

NDIS Quality and Safeguard Commission, **National Disability Insurance Scheme (Code of Conduct) Rules 2018**

<https://www.ndiscommission.gov.au/about/legislation-rules-policies>

NDIS Quality and Safeguard Commission, **National Disability Insurance Scheme Act 2013**

<https://www.ndiscommission.gov.au/about/legislation-rules-policies>

NDIS Quality and Safeguard Commission, **National Disability Insurance Scheme (Procedural Fairness) Guidelines 2018**

<https://www.ndiscommission.gov.au/about/legislation-rules-policies>

Worksafe Victoria, **Report an incident: Criteria for notifiable incidents**

<https://www.worksafe.vic.gov.au/report-incident-criteria-notifiable-incidents>

TAC Transport Accident Commission, **Serious incident reporting guidelines**

<https://www.tac.vic.gov.au/providers/working-with-tac-clients/guidelines/provider-guidelines/serious-incident-reporting-guidelines>

Internal supporting documents available;

Amicus, **SD 29.0 Person Centred Approach Practice Manual**

Amicus, **ORG 2.23 Development of Opportunities for Improvement**

Amicus, **HR 2.2 Code of Conduct**

Amicus, **SD 5.4 Freedom from Abuse and Neglect Policy**

Amicus, **O 2.7.2 Work Hazard Identification and Reporting**

Amicus, **O2.7 Occupational Health and Safety**

Amicus, **HR 9.1.1 Staff Accident Injury and Incident Reporting**

Amicus, **O2.6 Whistleblowers / Protected Disclosure Policy**

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