**Insync Plan Partners**

**Incident Management & Reportable Incidents**

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Responsible Staff – All Scheduled Review Date 1/1/25

1. **Introduction**

Insync Plan Partners (‘Ínsync’) is responsible for the delivery of quality and safe NDIS supports and services. In accordance with NDIS Rules 2018, Insync is responsible for preventing, responding to, and managing incidents.

If a reportable incident raises a serious compliance issue, the NDIS Commission has powers to take regulatory action. Action might include requiring Insync to undertake specified remedial action, carry out an internal investigation about the incident, or engage an independent expert to investigate and report on the incident. The NDIS Commission can also conduct its own investigation and take appropriate enforcement action such as issuing a compliance notice or asking a court to impose a civil penalty.

1. **Purpose**

The purpose of this policy is to ensure Insync complies with NDIS Incident Management and Reportable Incidents requirements in relation to all interactions with clients arising from the services that we provide.

1. **Our Responsibilities**

As a registered provider, we are responsible for preventing, responding to, and managing reportable incidents.

This policy includes procedures for identifying, assessing, recording, managing, resolving and reporting incidents.

We must record and manage all incidents (not just reportable incidents) in the Insync Incident Management Register and ensure we respond appropriately and take steps to prevent such incidents from happening again.

We must be prepared to make our incident records available to the NDIS Commission if required and to any approved quality auditor as part of the auditor’s assessment of our compliance.

1. **Identifying an Incident**

Incidents are defined as:

* 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.

1. **Assessing & Recording Incidents in the Incident Management Register**

All Incidents (as defined) that are either brought to our attention by clients, service providers or from our own observations must be reported by employees to the Insync Director (the ‘Authorised Reportable Incidents Approver’) immediately.

The Insync Director will determine the immediate response(s) required to ensure the impacted person is safe and whether the incident should be reported to the police or another relevant authority.

The Insync Director will ensure lodgement of the incident is acknowledged directly with the client/guardian (and if applicable the reportee) and provide them with an outline of Insync’s incident management process and expected timelines and agree with client/guardian on the best means of communication throughout incident management process.

The Chief Operations Officer (‘Authorised Reportable Incidents Notifier’) will complete an incident report in the Incident Management Register and request the Insync Director to review conclusions on each of the following:

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

1. **Assessment of Incidents for Reportable Incidents**

To be a Reportable Incident the Insync Director will firstly assess whether the incident occurred or was alleged to have occurred **in connection with** the provision of supports or services provided by Insync.

The phrase ‘in connection with’ covers incidents that:

* May have occurred during the course of supports being provided by Insync;
* Arise out of the provision, alteration or withdrawal of supports by Insync; or
* May not have occurred during the provision of supports by Insync but are connected because it arose out of the provision of supports by Insync

If the Insync Director concludes the incident did occur **in connection with** the provision of supports or services provided by Insync then, as per the Incident Management Register requirements, the Insync Director must immediately assess whether the incident is reportable (Reportable Incident) to the NDIS Commission i.e. does the incident include:

* 1. The death of a person with disability;
  2. Serious injury of a person with disability;
  3. Abuse or neglect of a person with disability;
  4. Unlawful sexual or physical contact with, or assault of, a person with disability;
  5. Sexual misconduct, committed against, or in the presence of, a person with disability, including grooming of the person with disability for sexual activity; or
  6. Unauthorised use of restrictive practices in relation to a person with disability.

If any of the Reportable Incident criteria are met, or suspected to be met, then the Insync Director must report the incident (including allegations) to the NDIS Commission as per the requirements detailed under **NDIS Reportable Incident Requirements** of this policy.

1. **NDIS Reportable Incident Requirements**

From July 1 2019, the Insync Director when reporting a Reportable Incident to the NDIS Commission must do so via the NDIS Commission Portal ‘My Reportable Incidents’ page.

*a) Notify the NDIS Commission*

The **Immediate Notification Form** must be submitted via the NDIS Commission Portal within 24 hours of Insync 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;
* Select ‘My Reportable Incidents’ tile at the top of the screen; and
* Complete an Immediate Notification Form.

*b) Submit a 5 Day Form*

The 5 Day form must be submitted via the ‘My Reportable Incidents’ portal by the Insync Director within five business days of key personnel becoming aware of a reportable Incident.

This provides additional information and actions taken by Insync.

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.

*c) Submit a final report, if required*

The Insync Director may be required to provide a final report. When this is the case, the NDIS Commission will notify Insync via email and tell us the date this is due.

1. **If the NDIS Commission Portal is Unavailable**

If for some reason a Reportable Incident cannot be reported to the NDIS commission via the NDIS portal, we must take all reasonable steps to resolve the issues within the required timeframe by calling the NDIS Commission for support.

Outside of business hours and if all reasonable steps have been taken, we should advise the NDIS Commission of these issues as soon as possible via email to [reportableincidents@ndiscommission.gov.au](mailto:reportableincidents@ndiscommission.gov.au) with an email that includes:

* The steps taken to complete the authorised notification form and the presenting issue;
* The name of the impacted person;
* Describe the immediate response and step taken to ensure the impacted person was safe;
* Brief description of the reportable incident; and
* Whether other authorities, such as the police, were notified

We will receive an automated response from the NDIS Commission acknowledging receipt. As soon as practical, you will need to progress completion of the 24-hour form. If we continue having difficulties, we should refer to the website for detailed guidance or contact the Commission on 1800 035 544.

If the NDIS Commission portal or “My Reportable Incidents” page is unavailable for a period, the NDIS Commission Reportable Incidents team may:

* Provide an authorised form and request the information is submitted via the reportableincidents@ndiscommission.gov.au address; or
* Take the 24-hour notification or further information over the phone.

1. **Closing Report & Communication with Impacted Client/Guardian**

A Closing Report will be prepared by the Chief Operating Officer for the client/guardian, summarising:

* the incident reported;
* actions taken to resolve the incident; and
* actions taken to mitigate/prevent future similar incident occurring

The Director will review the Closing Report and send it to the client/guardian.

Within 3 business days of issuing the Closing Report, the Insync Director will contact the client/guardian and enquire if they are satisfied with the resolution/outcome from Insync’s incident management. If the client/guardian is not satisfied, Insync Director will enquire and assess what additional action Insync may need to perform to satisfactorily resolve the incident for the client/guardian.

1. **Client/Guardian Feedback on Insync Incident Management Process**

Within 5 business days of issuing the Closing Report, the Insync Director will invite the client/guardian to provide feedback on Insync’s incident management process and, if feedback is received, consider what if any additional action is required to improve Insync’s incident management process.

Important Links:

NDIS Reportable Incidents Frequently Asked Questions:

<https://www.ndiscommission.gov.au/sites/default/files/documents/2019-07/my-reportable-incidents-faqs-final-july-2019.pdf>