



Policy 119

Incident Management and Reporting

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| Applies to: | Board, Staff, Club Committee, Teachers, Inpool volunteers, Members | |
| Responsibility: | General Manager | |
| Status | Approved 8/2018 | Date for review 8/2023 |

Policy statement

Rainbow Club recognises that it has a moral, ethical and legal responsibility to ensure all participants are safe and takes proactive steps to protect them from harm. It has a system for identifying, assessing, managing and resolving incidents that happen in connection with providing supports or services to people with a disability.

The system is appropriate to the business size and the class of support that we provide.

Rainbow Club has additional obligations if an incident is the subject of a complaint (refer Policy 108). Rainbow Club will provide support and assist people with a disability affected by an incident (including information about access to advocates such as independent advocates) to ensure their health, safety and wellbeing.

Rainbow Club recognises that failure to comply with the Incident management requirements of the NDIS legislation and rules may lead to the NDIS Commissioner taking compliance and enforcement action against Rainbow Club.

Definitions

‘Participant’ the Rainbow Club member or person affected by the incident.

‘Staff member’ includes paid Rainbow Club staff and teachers, and volunteers (Club Committee members and inpool volunteers).

Procedures

- Teacher Central (Rainbow Club’s communication tool with its teacher workforce) contains an Incident Report Form. Teachers are made aware of this mechanism for reporting incidents in their Offer Letter issued at the commencement of their employment.

- My Portal (Rainbow Club's portal for parents of members) contains an Incident Report Form. Members are made aware of this mechanism for reporting incidents in the Welcome Letter issued to them when they join Rainbow Club)
- The staff member who first becomes aware of an incident must report it as soon as practicable to the Lead Teacher in their Club or to a Committee Member. They are responsible for reporting relevant incidents to the police.
- The Lead Teacher or Committee Member must complete Rainbow Club's Incident Report Form as soon as is practical
- Details of all incidents will be maintained on the Salesforce Incident Register which will record all actions taken and current status. All records regarding incidents will be maintained for 7 years.
- The General Manager of Rainbow Club has the responsibility for maintaining the Incident Register and for ensuring all incidents are managed appropriately.
- All incidents are reported to the Board of Rainbow Club at each meeting.
- An analysis of all incidents including monitoring and acting on trends identified will take place annually with a view to improving the quality of service offered by Rainbow Club.

In responding to an incident, the General Manager (or person delegated) will:

- Recognise and acknowledge the impact of the incident on the participant/staff member
- Assure the participant/staff member the incident will be treated seriously and deal with fairly
- Educate participants/staff members about their rights and take their wishes into consideration
- Keep the participant/staff member informed of progress, outcomes and any follow up
- If appropriate identify an advocate or support person
- Provide an opportunity to give feedback on the response to the incident
- All information collected by Rainbow Club in managing incidents will be managed in accordance with our Privacy Policy (Policy 105).

Identifying and responding to incidents

Staff, teachers and volunteers should:

- Assess the situation and check for danger.
 - Remove the participant from danger if it is safe to do so
 - If urgent medical attention is required, call 000 or if appropriate convey the participant to nearest hospital
 - If a staff member is accused or suspected of harming the participant, independent medical practitioner must be called and the staff member removed from contact pending investigation
 - If another participant is accused or suspected of harming the participant, they should be removed from contact pending investigation
 - If the staff member or participant has injuries that do not require immediate attention, support the person to see a doctor for assessment and treatment of any injuries, including psychological trauma
 - Consider the impact of the incident on the other participants and provide them with support
 - If the incident involves an alleged criminal act, contact the police. Preserve any physical or documentary evidence that may be critical to an investigation by the police or Rainbow Club
- Responses to any participant incident should be respectful of the participant, culturally appropriate and empower them to make their own choices and decisions wherever possible.

- Some participants may wish to have a support person present to help them with a decision.

Reportable incidents

Rainbow Club will take all reasonable steps to ensure that reportable incidents are notified to the NDIS Commissioner within reasonable timeframe.

24 Hours Reporting

The General Manager or other delegated staff member will report the following incidents to the NDIS Commission within 24 hours should the event occur involving a person with a disability while at Rainbow Club:

- 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 a person with a disability
- Sexual misconduct against, or in the presence of, a person with a disability

This reporting will be done either by telephone or using the Reportable Incident Form on the NDIS Commission website.

Following five (5) working days

After the initial report, additional information regarding witnesses and follow up actions taken must also be provided to the NDIS Commission within five (5) working days. Information regarding reportable incidents does not have to be reported to the NDIS Commission if doing so could reasonably be expected to prejudice the conduct of a criminal investigation or expose a person with a disability to risk or harm.

Ongoing reporting

Should significant new information about the incident relate to a change in the reportable incident, the General Manager must notify the NDIS Commission as soon as reasonably practicable.

Definitions

‘Abuse’ means verbal, physical and/or emotional mistreatment and/or lack of care of a person or child. Abuse can include bullying, child abuse, physical abuse, sexual abuse, emotional and psychological abuse, racial, cultural and religious abuse or domestic violence.

‘Incident’ means

- An act, omission, event or circumstance that has, or could have, caused harm to a person or child with a disability who is a member of Rainbow Club
- An act by a person with a disability that happened in connection with the provision of supports or services and that caused serious harm or a risk of serious harm to another person or child or
- A reportable incident that is alleged to have occurred in connection with the provision of supports or services

‘Mandatory Reporting’ is the legal obligation of certain professionals and community members to report when they believe, on reasonable grounds, that a child needs protection from harm. A broad

range of professional groups are identified in the Children and Young Persons (Care and Protection) Act 1998 (NSW) as 'mandatory reporters'.

'Neglect' is the failure to provide a person or child with the basic necessities of life such as food clothing, shelter, medical attention or supervision, to the extent that their health and development is likely to be significantly harmed.

'Negligence' is doing, or failing to do, something that a reasonable person would, or would not, do in a certain situation and which causes another person or child damage, injury or loss as a result.

'Procedural Fairness' is a principle that requires a fair and proper procedure be used when making a decision.

'Reasonable Grounds' means a person may form a belief on reasonable grounds that another person needs protection after becoming aware that their health, safety or wellbeing is at risk and, where relevant, the person's guardians are unwilling or unable to protect them. There may be reasonable grounds for forming such a belief if:

- A person states that they have been physically or sexually abused
- A person states that they know someone who has been physically or sexually abused
- Someone who knows a person who states they have been physically or sexually abused • A person shows signs of being physically or sexually abused
- There is persistent neglect, poor care or lack of appropriate supervision
- A person's actions or behaviour places them at risk of significant harm 'Reportable Conduct relating to a child' is conduct that involves any of the following whether or not the child has consented:
 - Any sexual offence or sexual misconduct committed against, with or in the presence of a child
 - Any assault, ill treatment or neglect of a child
 - Any behaviour that causes psychological harm to a child
 - Failure to reduce or remove risk of a child becoming a victim of child abuse
 - Concealing a child abuse offence 'Reportable Incident' is the:
 - Death of a person with a disability
 - Serious injury or 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
 - Sexual misconduct committed against, or in the presence of, a person with a disability
 - The use of a restrictive practice in relation to a person with a disability 'Restrictive Practice' is any practice or intervention that has the effect of restricting the rights of freedom of movement of a person with a disability or services and that caused serious harm or a risk of serious harm to another person or child or
 - A reportable incident that is alleged to have occurred in connection with the provision of supports or services

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