

## 24 Hour Positioning Pty Ltd.

# Client Incident Management Policy and Procedure

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### Terminology

Services refer to members of the public to whom they provide services in various ways, such as 'customers', 'clients' or 'participants.' This procedure uses the term 'clients' to encompass such terms.

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### Purpose

24 Hour Positioning Pty Ltd. is committed to being responsive to the needs of our employees and clients; and to all workplace incidents as quickly as possible. This procedure is to assist workers who are reporting an incident which impacts on a client.

**The safety and wellbeing of our clients is the priority and any issues impacting on the immediate safety of clients should always be addressed prior to reporting and throughout the management of an incident.**

This procedure describes how 24 Hour Positioning investigates, reports and takes action when incidents (defined in this procedure) occur which have had (or have the potential to have had) impact on the health and safety of our clients. This procedure is to ensure incidents involving 24 Hour Positioning's clients are responded to, reported, investigated and finalised in an effective and timely manner, and in accordance with legislative and contractual requirements.

All 24 Hour Positioning workers are required to follow this Client Incident Management Procedure and are to report any incident which has occurred during service delivery and resulted in harm to a client. There are no negative results for reporting a client incident as without reporting incidents we are unable to learn from them and prevent a reoccurrence. Without a detailed analysis of the incidents affecting clients, we may fail to uncover matters which could be a potential hazards to our clients.

This procedure supports obligations to implement a reportable incident management system which complies with the Australian Standards Work Health and Safety Act 2011 No. 10, the National Disability Insurance Scheme Act 2013 and the National Disability Insurance Scheme (Incident Management and Reportable Incidents) Rules 2018.

Acknowledgement to the NDIS Quality and Safeguards Commission 'Reportable Incidents Guidance; Version 1 – May 2018' and the NDIS Quality and Safeguards Commission 'Reportable Incidents Guidance for NDIS Providers, © Commonwealth of Australia (Department of Social Services) 2015 publication for providing valuable resources for this document.

In addition, the procedure outlines how 24 Hour Positioning will:

- Address the physical and psychological needs of our client following an incident in order to reduce the impact of the incident and to maximise their wellbeing
  - Seek to prevent incidents occurring through review and analysis of incident trends and implementing quality improvement activities.
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### Client Incident Management

24 Hour Positioning Pty Ltd. strives to provide high quality therapy services and custom-made positioning products to our clients. We value our client's and support their rights as people with disability to make their own decisions regarding the services they receive from us, who they wish to advocate or translate for them and how they wish to receive their services.

As a worker for 24 Hour Positioning you may during the course of providing support and services to our clients be involved in or witness an incident involving our client with disability. 24 Hour Positioning is committed to being responsive to the needs and concerns of our clients and to reporting and managing incidents as quickly as possible.

This procedure has been designed to provide guidance to staff on the manner in which 24 Hour Positioning records and manages client incidents. We are committed to being consistent, fair and impartial when handling incidents which have occurred due to the actions of our worker/s. By effectively analysing, recording, reporting and managing incidents steps can be taken to:

- Redesign services
- Improve policies and procedures
- Increase efficiency and effectiveness
- Re-asses client information needs

The objective of this procedure is to ensure:

- Workers are aware of and understand our incident recording and management processes
- All client's reporting the occurrence of an incident are treated with respect
- The incident is recorded using the outlined procedure to protect client's personal information
- The incident is investigated impartially with a balanced view of all information or evidence
- The incident will be reported to the NDIS Commission and other authorities if required.

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## Definition of a Client Incident

24 Hour Positioning supports the NDIS Commission's guidance definition of a client incident. 24 Hour Positioning recognises a client incident to be:

- i) An act, omission, event or circumstance which occurs in connection with providing supports or services to our clients and which have, or could have, caused harm to our client.
- ii) Acts by our client which occur when providing supports or services to our client and have caused serious harm, or a risk of serious harm, to another person.
- iii) Reportable incidents which have or are alleged to have occurred in connection with providing supports or services to our clients.

A reportable incident is:

- The death of our client
- Serious injury to our client
- Abuse or neglect of our client
- Unlawful sexual or physical contact with, or the assault of, a client
- Sexual misconduct committed against, or in the presence of, a client, including grooming of the person for sexual activity
- The use of an unauthorised restrictive practice on a client.

If an incident is a reportable incident, 24 Hour Positioning has an additional requirement to notify the NDIS Commission of the incident and keep them informed of any investigation or actions arising from the incident. The NDIS Commission client incident reporting procedure is detailed in '*Reportable Client Incident Procedure for NDIS Clients*'.

This does not replace 24 Hour Positioning's obligations to report suspected crimes to the police and other relevant authorities.



## When an Incident Occurs

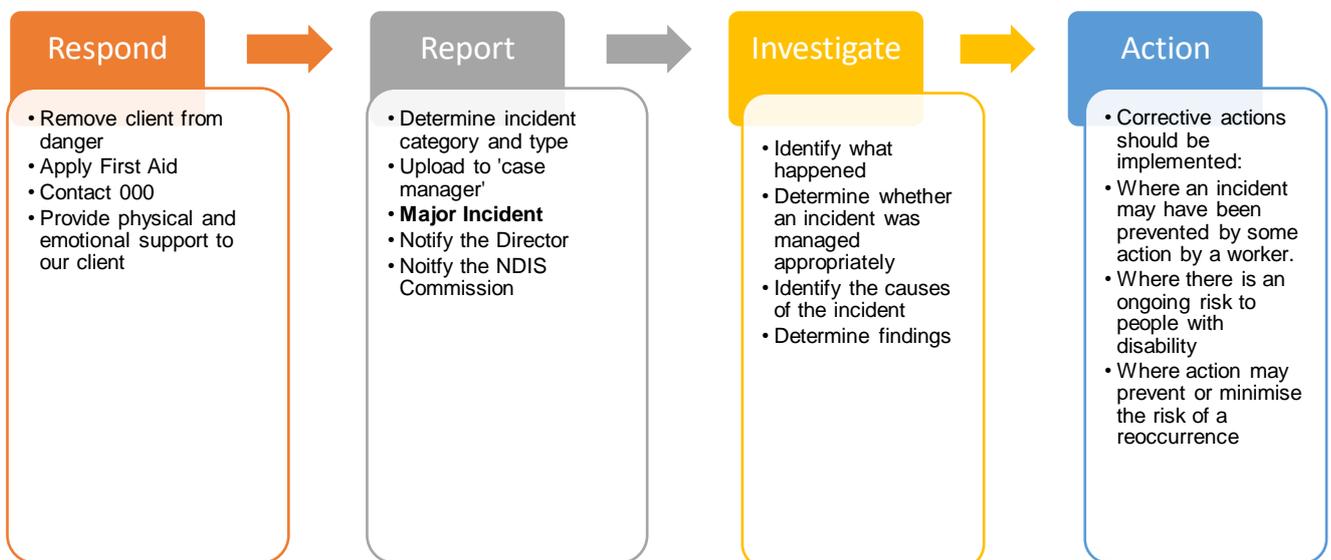
The safety and wellbeing of our clients is the priority and any issues impacting on the immediate safety of clients should always be addressed prior to reporting of the event and throughout the management of any incident.

24 Hour Positioning believe the key reason for reporting all client incidents even if they are “near misses” is to learn from them and, if possible, prevent their reoccurrence.

Without a detailed analysis of client incidents, we will not uncover problems which are potential hazards to clients or workers.

This procedure applies to all workers of 24 Hour Positioning and contains four parts:

- i) Incident Response
- ii) Incident Reporting
- iii) Incident Investigation
- iv) Identifying Actions



At the time a worker or workers becomes aware of a 24 Hour Positioning client incident they are expected to follow the procedure below immediately at the time of the incident occurrence.

## Incident Response

Following an incident, the first priority is to ensure the safety of the client, workers and others involved by following these steps:

- *Assess the situation* – can you identify safe options to protect the client from further harm.
- *Remove the client from danger* – ensure the client, workers and others are removed from the source of danger.
- *Apply and seek first aid and contact emergency services* - apply or seek first aid (if required). In the event a client sustains a serious injury requiring medical treatment or is in urgent need of medical help contact the ambulance service on 000.
- *Support the person to seek medical attention* – if the client, workers or others have injuries which do not require immediate attention (i.e. the ambulance serviced is not required) assist the client to seek the advice of a medical health practitioner for assessment and treatment of any injuries, including psychological trauma.

- *Remove the person who is alleged to have harmed the client* - if the alleged person presents a risk to the client's safety and wellbeing remove the person from having any contact with the client.
- *Ask the client whether he/she wishes to contact* – including guardians, family, carers, an advocate or a victim support service, counselling, a legal information service or a lawyer if they can provide informed consent. If not, ask his or her guardian or key support person.
- *Assure the client the incident will be taken seriously* - discuss options with the client and also with any client authorised representative present, and ask them how they would like to be supported throughout the process.
- *Consider the impact of the incident* - on other clients or people within the setting and provide them with appropriate support.
- *Report the incident to police* - the NSW Police Service must be called immediately on 000 in any situation where:
  - life or serious injury is threatened
  - where there is a threat of danger to people or property
  - when a serious crime is in progress, being witnessed or just committed (for example physical or sexual assault)
  - Any other situation where urgent police assistance is needed.
- *Seek information from the police* - a worker has contact with the police in relation to a reportable incident, workers should ask police:
  - For an event number
  - The names and contact details of the officers who responded
  - The name of the police station of the officers who responded
  - When the police will be able to tell you if they will investigate or take other action, and
  - What information (if any) about the involvement of police can be shared and with who (it is common in an investigation for police to ask services not to mention police involvement to an alleged offender and/or others).
- *Gather and secure physical or electronic evidence* - e.g. mobile phones or computers

**If a crime is suspected to have occurred secure the scene of the incident, for investigation purposes, ensure evidence is preserved.**

- *Respond to allegations of abuse* - if the incident relates to an allegation of abuse which involves a client (including emotional / psychological abuse, financial abuse, physical abuse, sexual abuse and sexual exploitation) it must be reported to the appropriate authorities - as per the client incident management reporting procedure.
- *Notify other service providers* - known to be working with our client, if required by law or if you have client consent and it has been identified appropriate to do so.

**Once the safety of our client, workers and other people involved in the incident has been ensured and the appropriate emergency services have been notified, when appropriate the Director of 24 Hour Positioning must be notified.**



## Incident Reporting

Once the client incident and has been responded to and managed the next step is it must be reported. There are five key stages of reporting an incident:

- i) Determine if the event / circumstance is a client incident**
  - Determine if the event is reportable as a client incident.
- ii) Select an incident category (major impact or non-major impact)**
  - Assess whether the incident is a mandatory reporting major impact incident or if it resulted in a major impact or non-major impact to the client – see ‘*Selecting an Incident Category*’.
- iii) Select an incident type**
  - After assessing the impact, determine the appropriate type of incident to record. Some incident types must always be categorised as major impact - see ‘*Selecting an Incident Type*’.
- iv) Report the incident**
  - If the incident is a **major impact** incident it must be reported immediately to the Director and then follow the procedure set out below – ‘*Reporting a Client Incident*’.
  - If the incident is a **non-major impact** incident it must be reported within **5 working days** following the procedure set out below – ‘*Reporting a Client Incident*’.
- v) Determine review or investigative action for major impact incidents**
  - For all major impact incidents, 24 Hour Positioning will decide on the most appropriate corrective actions to minimise the risk of reoccurrence.

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## Determining if the Incident is a Client Incident

***A client incident is any event which occurred during the provision of our services resulting in harm to our client.***

A client incident is an event which has occurred during the provision of our services. This is one which has happened while a service is being directly provided. The provision of our services may occur under the following circumstances:

- When the client is receiving an off-site service within their chosen environment (e.g. home, work, school etc.).
- When the client attends one of our premises to receive a service.

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## Selecting an Incident Category

After determining the event meets the definition of a client incident, you must decide the appropriate incident category. There are two incident categories: **major impact** and **non-major impact**.

In determining the incident category, the focus must be on the impact (level of harm) to the client. This assessment is based on your professional judgment and the information available at the time including the level of injury, response/reaction of the client, and other signs of harm/trauma which may be apparent.

To assess the appropriate categorisation of the incident – see ‘*Client Incident Management Guide*’.

**i) Major Impact client incidents are:**

- The death of our client
- Serious physical injury to our client
- Severe emotional or psychological injury or suffering which is likely to cause ongoing trauma to our client
- Abuse or neglect of our client
- Unlawful sexual or physical contact with, or the assault of, a client
- Sexual misconduct committed against, or in the presence of, a client, including grooming of the person for sexual activity
- The use of an unauthorised restrictive practice on a client.

Certain incidents are always required to be reported as major impact incidents - see [selecting an incident type](#).

**ii) Non-major Impact client incidents are:**

- An event which causes physical, emotional or psychological injury, without resulting in a major impact
- A physical injury which does not require other medical treatment other than short-term interventions, e.g. first aid, observation etc.
- Incidents which involve a client but result in minimal harm
- Incidents where there is no harm caused but the incident could have resulted in harm to our client "near miss"
- Incidents that do not otherwise meet the criteria for 'major impact'.

**iii) Determining whether an incident is major or non-major**

The following should be considered when determining the categorisation of the client incident, based upon the professional judgment of the worker:

- **Client experience:**
  - Was the client physically, emotionally or psychologically harmed in the incident?
  - To what extent?
  - What level of treatment or care did they require as a result of the incident?
  - Is the client still at risk of further harm from this incident?
- **Severity of outcome:**
  - What was the nature and extent of the harm suffered?
  - What was the level of distress or suffering caused to the client?
- **Vulnerability of client:**
  - Does the client's age and stage of development, disability, culture or gender increase the severity of suffering and trauma experienced?
  - Does the balance of power or position between the alleged offender and the client affect the impact of the incident on the client?
  - Does the client's individual mental or physical capacity, understanding of potential risks or communication skills affect the impact of the incident?



- **Pattern and history of behaviour:**

Some clients may have a history of dangerous actions which is understood and being actively case-managed by their carers. In such cases, the worker should classify incidents of such behaviour as non-major impact incidents, unless the incident is linked to either of the following:

- Abnormal actions outside the known behavioural patterns of our client
- Mandatory major impact incidents as outlined in [selecting an incident type](#).

If a **non-major impact** incident is related to a pattern of incidents for one client, you should consider whether, when taken together, these incidents meet the definition of a **major impact** incident. If so, this should be reported as a **major impact** incident. This is the case even if each individual incident would otherwise be classified as a non-major impact incident.

## Selecting an Incident Type

- After assessing whether the incident is a major impact or non-major impact incident, you must determine the appropriate incident type.
- It is critical to note that, due to their seriousness, **some** incident types **must always** be categorised as a major impact incident.

### i) Incident Types:

Incident type	Major Impact	Major impact / Non-major impact
Dangerous actions – client		Yes
Death	Unexpected death	Yes
Emotional / psychological abuse		Yes
Emotional / psychological trauma		Yes
Financial abuse		Yes
Inappropriate physical treatment		Yes
Inappropriate sexual behaviour		Yes
Injury		Yes
Physical abuse	Yes	
Poor quality of care	Neglect	Yes
Self-harm / attempted suicide		Yes
Sexual abuse	Yes	
Sexual exploitation	Yes	

ii) Definitions of Incident Types:

Incident type	Definition	Always major impact Incidents which must always be categorised as major impact	Generally non-major impact Any additional guidance on incident types which should generally be classified as non-major impact
Dangerous actions – client	<p>Dangerous actions which cause our client harm or place the client at risk of harm.</p> <p>This includes:</p> <ul style="list-style-type: none"> <li>• dangerous actions as a result of the misuse of drugs, alcohol or other substances</li> <li>• high-risk activities such as arson or train surfing</li> <li>• sexually-orientated actions by our client in circumstances which place their safety at risk.</li> </ul>	Use the categorisation as outlined above in - <i>incident types</i>	<p>Dangerous actions by vulnerable clients which are understood and being actively being managed by carers and a behaviour support plan are not major impact incidents.</p> <p>This does not apply to dangerous actions which are:</p> <ul style="list-style-type: none"> <li>• an escalation in severity or frequency of dangerous actions</li> <li>• abnormal actions outside the known behavioural patterns of our client.</li> </ul> <p>Legal, consensual, sexually-oriented actions which do not impact on client safety or put client safety at risk do not meet the definition of an incident.</p>
Death	<p>The death of our client during service delivery where the death is unanticipated or unexpected.</p> <p>This includes death as a result of the use or misuse of drugs, alcohol or other substances.</p>	All deaths of clients in unexpected or unanticipated circumstances, including suicides, must be reported as major impact.	Client deaths as the consequence of the progression of a diagnosed condition or illness are not reportable as a client incident unless the death occurred in a disability residential service.
Emotional/ psychological abuse	<p>Actions or behaviours which reject, isolate, intimidate, or frighten by threats, or the witnessing of family violence, to the extent our client's behaviour is disturbed or their emotional/ psychological wellbeing has been, or is at risk of being, seriously impaired.</p> <p>This includes:</p> <ul style="list-style-type: none"> <li>• rejecting, isolating, terrorising and ignoring behaviours</li> </ul>	<p>Allegations of emotional/psychological abuse of a client by a worker, volunteer carer or member of the carer's household are usually classified as major impact.</p> <p>However, there may be circumstances of a minor nature which are not major impact.</p> <p>Use of professional judgement is required based on the</p>	<p>There may be circumstances which meet the adjacent definition but are of a minor nature which are not major impact.</p> <p>Use of professional judgement is required based on the categorisation as outlined above in - <i>Incident types.</i></p>

Incident type	Definition	Always major impact	Generally non-major impact
	<ul style="list-style-type: none"> <li>denying cultural or religious needs and preferences</li> <li>emotional abuse perpetrated by other clients.</li> </ul> <p>Workers should consider any potential power imbalance between the client and the person engaging in the behaviour.</p>	Incidents which must always be categorised as major impact  categorisation as outlined above in - <b><i>Incident types.</i></b>	Any additional guidance on incident types which should generally be classified as non-major impact
Emotional/ psychological trauma	<p>A reaction or set of reactions which develop in a client because they have witnessed, heard, or otherwise been exposed to, a traumatic event which has threatened the client's life or safety, or that of others around them.</p> <p>As a result, the person experiences feelings of intense anxiety, fear or helplessness. This includes (but is not limited to) the witnessing of catastrophic events such as the severe injury or death of a close family member or friend or the diagnosis of a life-threatening condition.</p>	Use the categorisation as outlined above in - <b><i>incident types</i></b>	Use the categorisation as outlined above in - <b><i>incident types</i></b>
Financial abuse	<p>The misuse of a client's assets, property, possessions and finances without their consent. It includes:</p> <ul style="list-style-type: none"> <li>denying a client the use of their own assets, property, possessions and finances</li> <li>theft, fraud, exploitation and pressure in relation to assets, property, possessions and finances</li> <li>obtaining assets through deception.</li> </ul> <p>This also includes financial abuse perpetrated by other clients.</p>	<p>Allegations of financial abuse of a client by a worker, volunteer carer or member of the carer's household are usually classified as major impact.</p> <p>However, there may be circumstances of a minor nature which are not major impact.</p> <p>Use of professional judgement is required based on the categorisation as outlined above in - <b><i>incident types</i></b></p>	<p>There may be circumstances which meet the adjacent definition but are of a minor nature which are not major impact.</p> <p>Use of professional judgement is required based on the categorisation as outlined above Use the categorisation as outlined above in - <b><i>incident types</i></b></p>
Inappropriate physical treatment	<p>Actions which involve the inappropriate use of physical contact or force</p>	<p>All incidents which meet this definition should be classified as</p>	<p>All incidents which meet this definition should be classified as 'non-major</p>

Incident type	Definition	Always major impact	Generally non-major impact
	<p>against a person which results in non-major impact harm to our client.</p> <p>This includes impact resulting from:</p> <ul style="list-style-type: none"> <li>• threats of physical abuse made to our client by another person</li> <li>• excessive use of physical force or restraint by a worker or carer.</li> </ul> <p>Inappropriate physical treatment does not include an act which constitutes a lawful exercise of force, such as the use of a physical restraint which is supported by an approved behaviour management plan.</p>	<p>'non-major impact' unless the incident is linked to:</p> <ul style="list-style-type: none"> <li>• escalation in severity or frequency of dangerous actions</li> <li>• abnormal actions outside the known behavioural patterns of our client.</li> </ul> <p>Where the level of harm to the client is a major impact, the incident must be reported instead as physical abuse – see definition.</p> <p>Use of professional judgement is required based on the categorisation as outlined above Use the categorisation as outlined above in -</p> <p><b><i>Incident types.</i></b></p>	<p>impact' unless the incident is linked to:</p> <ul style="list-style-type: none"> <li>• escalation in severity or frequency of dangerous actions</li> <li>• abnormal actions outside the known behavioural patterns of our client.</li> </ul>
Inappropriate sexual behaviour	<p>Actual or attempted unwanted sexual actions (or allegations of such actions) which result in non-major impact harm to the client, unless the relevant behaviour meets the definition of sexual abuse, in which case it must always be reported as major impact.</p>	<p>All incidents which meet this definition should be classified as 'non-major impact' unless the incident is linked to:</p> <ul style="list-style-type: none"> <li>• escalation in severity or frequency of dangerous actions</li> <li>• abnormal actions outside the known behavioural patterns of our client.</li> </ul> <p>Where the level of harm to the client has a major impact nature, the incident must be reported instead as sexual abuse – see definition.</p> <p>Use of professional judgement is required based on the categorisation as outlined above in -</p> <p><b><i>Incident types.</i></b></p>	<p>All incidents which meet this definition should be classified as 'non-major impact' unless the incident is linked to:</p> <ul style="list-style-type: none"> <li>• escalation in severity or frequency of dangerous actions</li> <li>• abnormal actions outside the known behavioural patterns of our client.</li> </ul>

Incident type	Definition	Always major impact	Generally non-major impact
Injury	<p>Actions or behaviours which unintentionally cause harm requiring first aid or medical attention.</p> <p>Includes both explained and unexplained injuries.</p>	<p>Use the categorisation as outlined above in -</p> <p><b><i>Incident types.</i></b></p>	<p>Use the categorisation as outlined above in -</p> <p><b><i>Incident types.</i></b></p>
Physical abuse	<p>Actions which involve the inappropriate use of physical contact or force against a person resulting in major impact harm to the client.</p> <p>This includes impact resulting from:</p> <ul style="list-style-type: none"> <li>• threats of physical abuse made to a client by another person</li> <li>• excessive use of physical force or restraint by a worker</li> <li>• physical abuse perpetrated by other clients, as well as by caregiver or staff.</li> </ul> <p>Physical abuse does not include an act which constitutes a lawful exercise of force, such as the use of a physical restraint which is supported by an approved behaviour management plan.</p>	<p>All incidents of physical abuse must be reported as major impact.</p> <ul style="list-style-type: none"> <li>• Where the level of harm to the client has a non-major impact to the client, the incident must be reported instead as inappropriate physical treatment – see definition.</li> </ul> <p>Use of professional judgement is required based on the categorisation as outlined above in -</p> <p><b><i>Incident types.</i></b></p>	<p>All incidents of physical abuse must be reported as major impact.</p> <ul style="list-style-type: none"> <li>• Where the level of harm to the client has a non-major impact to the client, the incident must be reported instead as inappropriate physical treatment – see definition.</li> </ul> <p>Use of professional judgement is required based on the categorisation as outlined above in -</p> <p><b><i>Incident types.</i></b></p>
Poor quality of care	<p>Inappropriate or inadequate care of our client by their carer in context of service delivery.</p> <p>Note: Abuse by a carer should be categorised under the sexual abuse, physical abuse, emotional/psychological abuse or financial abuse types.</p>	<p>Neglect of our client must be reported as a major impact incident.</p> <p>Neglect is the failure to care adequately for a client to the extent that the health, wellbeing and development of the client is significantly impaired or at risk.</p>	<p>Use the categorisation as outlined above in -</p> <p><b><i>Incident types.</i></b></p>
Self-harm / attempted suicide	<ul style="list-style-type: none"> <li>• Actions which intentionally cause harm or injury to self.</li> <li>• Actions to attempt suicide (the intention to end one's own life).</li> </ul>	<p>Attempted suicide must be reported as a major impact incident.</p>	<p>Use the categorisation as outlined above in -</p> <p><b><i>Incident types.</i></b></p>

Incident type	Definition	Always major impact Incidents which must always be categorised as major impact	Generally non-major impact Any additional guidance on incident types which should generally be classified as non-major impact
Sexual abuse	Actual or attempted unwanted sexual actions (or allegations of such actions) which result in major impact harm to the client or are otherwise forced upon a client against their will or without their consent, through the use of physical force, intimidation and/or coercion.	All incidents of sexual abuse must be reported as major impact.  Examples may include (regardless of level of harm or perceived harm to client): <ul style="list-style-type: none"> <li>• all allegations of rape, which is the actual or attempted penetration or attempted penetration (anal, oral, vaginal) through the use of physical force, intimidation and/or coercion without the person's consent</li> <li>• sexual abuse of a child by another child.</li> </ul>	All incidents of sexual abuse must be reported as major impact.
Sexual exploitation	Sexual exploitation, defined as the abuse of a person under 18 or a person with a cognitive disability, which may include: <ul style="list-style-type: none"> <li>• the exchange of sex or sexual acts for money, goods, substance or favours</li> <li>• involving a child in creating pornography</li> <li>• contact with a known sex offender.</li> </ul>	All incidents of sexual exploitation must be reported as major impact.	All incidents of sexual exploitation must be reported as major impact.

## Reporting a Client Incident

**Once you have selected an appropriate incident category and incident type, you must report the incident**

The reporting process for reporting client incidents in a timely and complete manner helps to ensure the client's safety and wellbeing is being addressed the incident is being managed appropriately. The report will also form the basis of the subsequent 24 Hour Positioning client investigation process.

24 Hour Positioning utilises case management software 'Case Manager' to manage and store all client related information to protect their privacy and confidentiality. Your responsibility as a worker is to always use the 'Case Manager' system to record, store and manage client incident information.

### i) Major Impact Client Incidents

- When you as a 24 Hour Positioning worker and you have been involved in or have witnessed a major impact client incident event (or becoming aware of the incident) must within **24 hours** of the incident occurring:
  - If have not yet done so inform the Director of the incident by telephone (should be done immediately following 'incident response').
  - Complete and submit a **client incident report**
  - Submit completed client incident report to the Operations Manager (or Director)
  - Upload the client incident report in 'case manager' following the 'Case Manager – Client Incident Reporting Procedure'
  - If our client is an NDIS participant follow the additional *reportable incidents requirements for NDIS clients* – Section 5.12 below.

### ii) Non-major Impact Client Incidents

- When you as a 24 Hour Positioning worker and you have been involved in or have witnessed a non-major impact client incident event (or becoming aware of the incident) must within **5 days** of the incident occurring:
  - Complete and submit a *client incident report*
  - Upload the client incident report in 'Case Manager' following the 'Case Manager – Client Incident Reporting Procedure'.

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## Reportable Client Incident Procedure for NDIS Clients

All reportable incidents (except unauthorised use of restrictive practices) as defined in [Section 5.4 – Definition of a Client Incident](#), must be notified to the NDIS Commission within **24 hours**. In this situation the worker must follow the additional procedure outlined below:

- When uploading the reportable client incident into 'case manager' delegate the responsibility for managing the reportable incident to the Director.
- Complete the *NDIS Reportable Incident Form - 24 Hours*.
- Upload completed NDIS Reportable Incident Form to client file in 'case manager'.

Forward the completed form to Director for review and approval.

- Submit form to the NDIS Commission via email - [reportableincidents@ndiscommission.gov.au](mailto:reportableincidents@ndiscommission.gov.au).
- After an immediate notification is submitted, the NDIS Commission allow a further to **5 business days** to provide any further details about the incident using the *NDIS Reportable Incident Form – 5 Days*.
- Reportable unauthorised use of a restrictive practice must be notified, in writing, to the NDIS Commission within **5 business days** using the *NDIS Reportable Incident Form – 5 Days*.

**If a person with disability discloses an incident which has occurred in the past, it should generally be treated in the same way as any other reportable incident, noting the immediate response may differ.**

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## Client Incident Investigation

24 Positioning Management requires all major impact client incidents to be subject to an internal investigation. 24 Hour Positioning Management will delegate an appropriate staff member to complete the investigation depending on experience and relation to the incident – i.e. Investigation Coordinator (IC). The IC will manage and conduct the client incident investigation. If assessed as more appropriate due to the nature of the client incident, 24 Hour Positioning management will source an external IC.

24 Hour Positioning management will also ensure prior to the client incident investigation commencing they have:

- Managed any actual or perceived conflict of interest in relation to the client incident investigation.
- Depending on the nature of the incident, clients, their families, their friends or carers have been provided with support where appropriate including referral to specialist organisations, counselling services or by providing information on advocacy services during the course of an investigation.
- Allocated a support person to the client, their families, their friends or carers depending on the severity of the incident.

### Responsibilities of the Investigation Coordinator

The IC must form their investigation abiding by the following guidelines:

#### i) Maintaining Confidentiality

The IC must abide by any confidentiality requirements applying to the investigation. Maintaining confidentiality:

- Minimises the risk of harm to the parties to an incident
- Is the most effective protection available to the person reporting the client incident
- Reduces the opportunities for evidence to become contaminated
- Encourages witnesses to be forthcoming in their evidence
- Protects the investigator from the possibility of an action in defamation

Investigators must also impress upon all witnesses their obligation to keep details of the investigation confidential.

#### ii) Affording Procedural Fairness

Due process must be observed in every investigation. Any decision affecting a person which has been made without affording the person procedural fairness is liable to be challenged and set aside. Procedural fairness requires an IC to:

- Inform any person against whose interests a decision may be made, of the substance of any allegations against them, or grounds for adverse comment in respect of them.
- Provide all persons with a reasonable opportunity to put forward their case, whether in writing or an otherwise appropriate form of communication.
- Hear all parties to the client incident and consider submissions.
- Make reasonable inquiries or investigations before making a decision.
- Ensure that no person decides a case in which they have a direct interest.
- Act fairly and without bias.
- Conduct the investigation without undue delay.

### iii) Liaise with Police

In the situation where the client incident has been referred to police for possible criminal charges, the IC must check with police before starting an investigation.

- If police advise 24 Hour Positioning's investigation may proceed without risk of prejudicing a police investigation, the IC should document this advice and proceed with the investigation.
- If 24 Hour Positioning's investigation could prejudice the police investigation, the service provider must delay their investigation.
- If the police request a delay in 24 Hour Positioning's investigation, their reasons for this request should be documented.
- If police ask the service to refrain from mentioning police involvement to any person alleged to have been involved in the incident with our client, the IC must comply with this request.

If 24 Hour Positioning's investigation is delayed at the request of police, the IC should liaise regularly with police to ensure this decision is regularly reviewed and to update all relevant parties on the progress.

### iv) Liaise with the NDIS Commission

In the situation where the client incident has been referred to the NDIS Commission the IC must liaise with the NDIS Commission regarding their investigation process.

If 24 Hour Positioning's investigation is delayed at the NDIS Commission, the IC should liaise regularly with their investigation manager to ensure this decision is regularly reviewed and to update all relevant parties on the progress.

## The Purpose of a Client Incident Investigation

An incident investigation is required for all major impact incidents and the purpose of a client incident investigation is to:

- Identify what happened
- Determine whether an incident was managed appropriately
- Identify the causes of the incident
- Use identified causes to apply new procedures to reduce the risk of future harm
- Develop continuous improvement.

## What does a Client Incident Investigation Involve?

An incident investigation involves the planned and systematic gathering of all relevant facts. The investigation will build on the client incident report completed at the time the incident occurred or was disclosed.

The incident investigation is likely to involve:

- Reviewing documentation – for example, incident reports, client case notes and support plans.
- Interviewing clients, staff and other witnesses – people who were there at the time of the incident or when the information was disclosed.
- Gathering additional information – for example, to clarify earlier conversations or obtain further evidence from the same or extra sources, such as clients, staff and family members.
- Observing the setting in which the incident occurred – for example, the house, the community centre, the street or shopping centre.
- Seeking expert opinion – for example, a psychologist, speech pathologist, social worker or medical practitioner might provide insight or evidence regarding physical, emotional or psychological abuse, while a lawyer or accountant might be consulted over allegations of financial abuse. Seeking an expert is not always required but should be considered if necessary.

The incident investigation process contains 6 steps:

- i. Determine the Framework
- ii. Gathering and Recording Information
- iii. Making a Finding
- iv. Corrective Action
- v. Communication
- vi. Follow-Up



### i) Determine the Framework

Whether the client incident investigation is being conducted internally or externally, it is important the IC establish and approve a clearly written investigation plan.

- This investigation plan should include:
  - Scope and purpose of the investigation.
  - Timeframes, including completion dates for the main steps.
  - The resources required.
  - Any requirements or conditions to ensure maximum feasible involvement of the person with disability.
  - Arrangements for an interview with the person with disability in the presence of a support person.
  - The witnesses to be interviewed.
  - The order of the interviews.
  - Arrangements to provide the alleged offender with the substance of the allegation(s) made against them.
  - Arrangements to interview the alleged offender.
  - Documentary evidence to be reviewed by the investigator.
  - Arrangements for site visits.
  - Arrangements to obtain expert evidence, for example, a forensic medical assessment.
  - A plan for communicating with other people with disability, families and staff.
  - A process for monitoring progress and changing the plan should be included.
- Timeliness is essential to ensure evidence is well preserved. Interviews with people with disability should be completed as a priority. People with an intellectual disability or cognitive impairment may have decreased recall of the incident after a period of time, which could affect the investigation.
- A plan for communicating with the person with disability, family members and advocate (if involved) needs to be developed during the planning phase. Communications should aim to convey the goals and expectations of the investigation, reassure the person with disability that the matter is being taken very seriously, and reduce any avoidable anxiety. The IC should be clear about what they can and cannot communicate to the person with disability, their family and advocate.

## ii) Gather Information

- *Gathering Evidence:*

Evidence can include a range of information and take many different forms. For example:

- Oral evidence from clients, staff and witnesses.
  - Document evidence (case notes, incident reports).
  - File notes that may indicate behavioural changes during the period of alleged client incident(s).
  - Site inspections (to become familiar with locations, and place the allegation in context).
  - Sketches or descriptions of the location of the incident, including where people and objects were situated.
  - Audio-visual evidence, possibly including CCTV (where available), and any other relevant audio or visual recordings.
  - Phone records.
  - Physical evidence if applicable.
  - Medical reports.
  - Expert opinion/analysis (technical advice) if required.
  - Communications between the worker and employer.
  - Relevant policies, procedures or guidelines that govern or dictate duties.
  - The task of an IC is to prove or disprove any matter(s) of fact raised by a client incident.
  - The means available to an investigator to accomplish this is known as evidence. The main categories of evidence available to an IC are oral evidence, documentary evidence, expert evidence and site inspections.
  - Although only one witness may be required to prove any fact or set of facts, additional evidence in the form of corroboration (i.e. the strengthening of evidence in a material particular) is desirable.
  - If the allegations ultimately become the subject of legal proceedings, the evidence collected during the investigation may take on the character of forensic evidence. Forensic evidence refers to evidence used in, or connected with, a court of law.
  - The possibility of allegations resulting in the institution of legal proceedings should not be unexpected provided that an investigation plan has been properly prepared at the outset of the investigation. Care can then be taken during the course of the investigation to ensure that evidence gathered will not be ruled inadmissible in such proceedings, in accordance with the rules of evidence.
- *Person Centred Approach:*
  - 24 Hour Positioning expect the IC gathering the information from relevant parties to follow a person centred approach when engaging with people throughout the investigation process.
  - The IC must have adequate knowledge of, and training in, engaging people with disability in the interview process, and the particular requirements of people with an intellectual disability or cognitive impairment.
  - It is essential the investigation adopt a person-centred and rights-based approach, taking into account what is important to and for the person with disability. Clients should be provided with the support they need to participate in the investigation process, including communication aids when necessary. The person with disability, their key worker, a family member or advocate can identify these needs.
  - The person with disability should be interviewed in a setting that makes them as comfortable as possible, with a support person present with whom they have an effective relationship.
  - People should have the opportunity to hear back or read their interview record to confirm that what has been documented is correct, or to recommend changes. For children and those with cognitive impairments, it would be appropriate to involve a guardian, family member, advocate or support person.

In the interview the investigator should:

- Explain why the discussion is taking place, in a way the person can understand.
  - Explain the person has the right to ask for a break or end the discussion at any time.
  - Check periodically whether the person would like a break.
  - Ask open-ended questions rather than questions that elicit 'yes' or 'no' answers (for example, 'tell me what happened...').
  - Ask clear and brief questions using short words and sentences.
  - Break down complicated concepts or information into smaller pieces of information.
  - If the person has sufficient verbal skills, check their understanding by asking them to repeat back the question(s) in their own words.
  - Allow enough time for the person to answer the question.
- *Investigation Process:*

During the course of investigating the client incident IC is required to:

- Identify all relevant sources of information and evidence, and clearly document who they would, or would not, approach for information and why, e.g. clients, witnesses, medical practitioners.
- Identify and record any conflicts of interest in relation to who they as the investigator and how this was managed.
- Source supports to overcome issues/barriers relating to the cultural or support needs, including communication, of any of the people involved.
- Ensure if the if the alleged victim or witnesses were interviewed, this is done appropriately and the conversations are adequately documented. *Please note: when police are conducting a criminal investigation, agencies should not interview relevant persons without police clearance.*
- Complete the initial investigation at the scene to be able to examine the scene and visually see what took place. It is critical to document what was said and observed.
- Ensure all correspondence related to the client incident are uploaded to the client file in 'case manager', including all actions, phone calls, emails, meetings, interviews, conversations and decisions.
- Provide an external investigator with all material which has been provided to them.
- If a decision was made not to interview a client, alleged victim or witness, was the reason clearly recorded, e.g. the client was already interviewed by police and relevant information was provided to 24 Hour Positioning.
- Were all the relevant people who were identified in the investigation plan approached to provide oral or written evidence? If not, were the reasons must be clearly recorded.
- Ensure the physical and/or electronic evidence is appropriately examined.
- Ensure the alleged victim and, where appropriate, guardians and/or nominated persons kept informed at each stage of the investigation.

### iii) Making a Finding

The IC examines the evidence and information provided during the gathering of evidence process and then make decisions regarding the findings. The decisions and determinations made by the IC will enable 24 Hour Positioning management to take action regarding the matters investigated.

In making decisions the IC must provide an investigation report carefully considering whether:

- The findings are well founded.
- The report has provided a clear and strong case based on **reasonable probability** that events are likely to have happened according to one view or another.
- All possible evidence has been sought and considered, and the investigation does not rely on a single piece of evidence or opinion such as a forensic medical report.
- The findings are reasonable, and supported by the available evidence which logically tends to show all the facts necessary to establish the incident are made out to their reasonable satisfaction.
- The findings and recommendations include both matters of evidence and matters of outcomes (for people with disability and workers).

The investigation report should also include:

- A description of the matter investigated.
- Details of the allegation(s).
- Details about the investigation, for example, the witnesses interviewed.
- Documentary evidence considered; if any information was not considered, what the reasons for not doing so were?
- Summary of the key evidence.
- Conclusions and findings based on the salient evidence.
- Care should be taken to distinguish findings of fact and findings of opinion.

The response to the investigation should also address any underlying patterns or causes of the incident so systemic and practice improvements can be implemented to minimise the occurrence of similar incidents.

24 Hour Positioning management will ensure appropriate feedback is given to all parties with due regard to confidentiality and privacy requirements.

#### **iv) Taking Action**

Once the IC completes the investigation and generates a report which identifies how the incident occurred, direct and indirect causes, the next step is for 24 Hour Positioning management and workers together to identify corrective actions which will address the incident.

Corrective actions which require little time to execute should be done immediately. However, situations where the corrective action is more involved (i.e. ordering materials etc.), the recommendations should involve a short and long range plan. These recommendations should be tracked to ensure closure.

Corrective actions should be implemented:

- Where an incident may have been prevented (or the severity lessened) by some action (or inaction) by a provider or worker.
- Where there is an ongoing risk to people with disability
- Where action by the provider may prevent or minimise the risk of a reoccurrence.

Examples of corrective actions include:

- Disciplinary action
- Re-training or further training of workers
- Practice improvements including developing or enhancing policies and procedures
- Changes to the environment in which supports or services are provided
- Changes to the way in which supports or services are provided.

24 Hour Positioning management will utilise the incident management records available in 'case manager' to complete a periodic review of systems to identify and resolve of systemic issues in relation to client incidents.

#### **v) Communication**

24 Hour Positioning will continue to provide ongoing support to our clients when they have been impacted by a client incident. The outcomes of the incident investigation will be communicated to the client (family and advocate if appropriate) both verbally and in writing.

If the investigation determines 24 Hour Positioning services, workers or products were at fault a verbal and written apology will be made to the client affected by the incident, along with an explanation of corrective actions taken to minimise the risk of a similar incident occurring.

#### **vi) Follow Up**

24 Hour Positioning have developed an incident management system with the ability to track follow up. 24 Hour Positioning believes it is vital to the incident investigation process to tracking client incident which enables us the capability to see what corrective items have not been completed.

By having this monitoring system which tracks closure will ensure a successful investigation program.