

Incident Management Policy and Procedure

Definitions:

Hazard: something that has the potential to injure or harm people, property and equipment

Incident: an event that has the potential to or does lead to an injury or damage to property and equipment as result of losing control of a hazard

Near miss: any unplanned incidents that occurred at the workplace which, although not resulting in any injury or disease, had the potential to do so

Notifiable Incident: an incident for which you are legally required to notify Worksafe. Incidents that must be reported include those that result in:

- death
- needing medical treatment within 48 hours of being exposed to a substance
- immediate treatment as an in-patient in a hospital
- immediate medical treatment for injuries, including for example amputation, serious head or eye injury, electric shock, serious lacerations.

Responsibility

Employee

- Report any hazard, near miss, incident or injury to their manager.
- Report all hazards, near misses, incidents or injury to Director

Health and Safety Representative/ Director

- To assist the manager and consult with employees within the designated work group with regard to incident investigation and risk control
- Respond to hazard reports
- Investigate near misses and incidents
- Close all hazard, near miss and incidents reported within 30 days
- Consult with the Health and Safety Representative with regard to incident investigation and risk control
- Assist the injured/ill employee and seek first aid medical attention if appropriate.
- Record hazards identified, near misses and incidents

- Provide support to driving instructors with risk control and injury management
- Retain records of notifiable incidents

Procedure

Hazard Reporting

- Hazards identified during day to day activity must be reported to the appropriate manager. If the hazard can be remedied immediately, the manager should take appropriate action in consultation with the Health and Safety Representative.
- If a hazard requires greater investigation and the sourcing of risk controls, this should be recorded by the manager or the reporting staff member and the proposed risk controls identified in consultation with the Health and Safety Representative.
- Hazards identified during formal inspections should be recorded with an action plan on the inspections checklist

Near Miss and Incident Reporting

All near miss / incidents should be recorded by the manager or the reporting staff member

If a person has been injured the need for first aid should be assessed and action taken as appropriate.

If the near miss/ incident is considered to be serious, the manager should contact the WHS team for advice. The WHS team will advise regarding the notification of the incident to WorkSafe.

The incident is deemed to be a "Notifiable Incident" and must be reported to WorkSafe if it resulted in:

- The death of a person or;
 - A person requiring medical treatment within 48 hours of exposure to a substance or
 - A person requiring immediate treatment as an in-patient or
 - A person requiring immediate treatment for
 - The amputation of any body part or
 - A serious head injury or
 - A serious eye injury or
 - De-gloving or scalping or
 - Electric shock or
 - A spinal injury or
 - The loss of a bodily function or
 - Serious lacerations
- If the incident is notifiable, the site of the incident is to remain undisturbed until a WorkSafe Inspector arrives on site or gives permission for disturbance.

- The Head of Department/Unit Manager must report all notifiable incidents to WorkSafe via phone on 132 360 and then in writing within 48 hours by completing the Worksafe Incident Notification Form.
- The manager should undertake an incident investigation in consultation with the Health and Safety Representative and record the findings and recommendation within the report of the incident
- Complex investigations or investigations where there is uncertainty will be supported by the WHS team upon request of the manager or Health and safety Representative

Injury Reporting

- Any injury to staff or visitors should be recorded in the incident form by the manager or the reporting staff member
 - If a person has been injured the need for first aid should be assessed and action taken as appropriate
- Incident forms are filed in Incident register

PROCEDURE Overview:

All Incidents

Incidents maybe reportable to one or more agencies:

- Notifiable incidents to the Safe Work NSW
- Reportable incidents to NDIS Quality and Safeguards Commission
- Child related incidents to Family and Community Services via the Mandatory Reporters Guide (MRG)
- Violent, sudden, and unexplained deaths to the NSW Coroner's Office and NSW Police
- Incidents involving criminal activity to the NSW Police

Abuse and neglect in community settings should be reported to the NSW Ombudsman.

- Telephone: 02 9286 1000, or 1800 451 524 (outside Sydney metro)
- Email: nswombo@ombo.nsw.gov.au
- Address: HSBC Centre 24/580 George St, Sydney NSW 2000
- Website: www.ombo.nsw.gov.au

Participants affected by incidents must be provided with information about how incidents involving them have been managed.

Internal Reporting:

All incidents and near misses must be reported to the Director (supervisor or nominated NDIS incident reporter) as soon as practicable and within 24 hours through completion of an Incident Report. If an incident is (or maybe) Notifiable or Reportable, it must be reported to the Director immediately. Information required includes the:

- name and address of the person giving notice;
- date and time of the event;
- place where the event happened;
- apparent cause;
- nature and extent of the damage;
- work that was being carried out at the time of the incident; and
- name and contact details of any injured or affected parties. Accidents, incidents, and near misses are to be reported to the Management Team monthly by the Director as part of their WHS reporting.

The Director will track progress and outcomes of accidents, incidents, and near misses in the Incident Report Register and refer any relevant items for inclusion in the Continuous Improvement Plan. Responding to accidents and violence Assess the situation to ensure a safe and secure environment. Remove the source of danger or the person from the source of danger if safe to do so. In urgent cases, call 000– NSW Police and other emergency services should be called immediately (e.g. where a crime is suspected or alleged, or where there is ongoing danger). If any person requires immediate medical attention, a medical practitioner or ambulance should be called, or the participant conveyed to the nearest hospital accident and emergency department. Where injuries do not require immediate attention, support the person to see a doctor for assessment and treatment of any injuries, including psychological trauma. The site where the incident occurred should not be disturbed until SafeWork NSW, the Police, or the Director lift the requirement to preserve the area.

Debrief and support for all persons involved in an accident, incident, or near miss, if required, the Director must:

- facilitate an informal debrief amongst supervisors, colleagues or peers; and
- ensure appropriate support and access to counselling is made available.

SafeWork NSW: Notifiable Incidents

Reporting notifiable incidents:

Notifiable incidents must be reported immediately to Safe Work NSW on 13 10 50. Incidents can be notified 24 hours a day, 7 days a week. Investigating Notifiable Incidents,

The Director will work with Safe Work NSW and/or other relevant authorities to investigate the incident.

The Director or their nominated representative will:

- commence investigations immediately upon receiving a completed Incident Report
- (where a staff member is injured), involve them in the investigation;
- implement the most effective controls practicable that do not introduce other hazards, and monitor and review these;
- consult with staff who are, or are likely to be, directly affected;
- provide information and feedback to the Management Team; and
- track all relevant information in the Incident Register.

Upon completion of the investigation the Director must finalise the relevant Incident Report form and record the outcomes in the Incident Register. The completed Incident Report should be stored on the relevant staff member's file. NDIS Commission: Reportable Incidents Responding to abuse and neglect assure the participant that the incident will be taken seriously, discuss their options with them and ask them how they would like to be supported throughout the process. If a staff member is accused or suspected of harming the participant, they should be removed from contact with all participants pending an investigation. Where a participant is accused or suspected of harming another participant, they should be removed from contact with other participants, where possible, pending an investigation. Consider the impact of the incident on the other participants within the setting and provide them with appropriate support. It is important that they are not treated simply as potential witnesses. If they can provide informed consent to contact and receive specialist services, the participant (or, if not, his or her key support person) should be asked whether he or she wishes to contact specialist/victim support services such as crisis care, counselling, advocacy, a legal information service, or a lawyer. Notify other service providers known to be working with that participant, if appropriate. Record agreed actions for the participant's immediate and ongoing needs in the Participant Support Plan.

This must include:

- steps being taken to ensure the participant's ongoing safety and wellbeing;
- treatment or counselling the participant may access to address their safety and wellbeing;
- modifications in the way services are provided (for example, same gender care or placement);
- how best to support the participant through any action the participant takes to seek justice or redress, including making a report to police; and
- any ongoing risk management strategy required where this is deemed appropriate.

Reportable Incidents:

Reporting Reportable Incidents may also qualify as Notifiable Incidents (see glossary above), criminal incidents, or child-related incidents, and should be reported to all appropriate agencies. Reportable Incidents –including alleged incidents –must be reported to the NDIS Commissioner

The Director is responsible for reporting all Reportable Incidents unless the role is otherwise delegated. If a person with disability discloses an incident that occurred in the past, it should generally be treated in the same way as any other reportable incident, noting that the immediate response may differ.

The reporting officer must provide the following information to the NDIS Commission where it can be collected:

- the name and contact details of:
 - the registered NDIS provider,
 - the person making the notification;
- the name and contact details of the persons involved in the incident (alleged victim and alleged offender);
- a description of the reportable incident, including:
 - the nature of any injuries sustained, and details such as time, date, and place it allegedly occurred,
 - a description of the impact on, or harm caused to, the person with disability (Note: where the reportable incident is a death this does not need to be provided),
 - the immediate actions taken by the provider in response to the reportable incident including any actions relating to the health, safety, and wellbeing of the participant involved in the incident including medical treatment provided, or whether the incident has been reported to the police or any other body.

Forms and Timeframes

Unauthorised use of restrictive practices must be reported to the NDIS Commission within five business days.

Forms are available at <https://www.ndiscommission.gov.au/document/656>

All other Reportable Incidents must be reported immediately (within 24 hours of key personnel becoming aware of the incident)

Forms are available at <https://www.ndiscommission.gov.au/document/661>

Working with Police

A police investigation takes priority over a reportable incident investigation. Clearance must be obtained from police before taking any action that might compromise the investigation. Highlands Drivesafe will manage any ongoing risk and should maintain an open dialogue with police about any investigation they are conducting.

Highlands Drivesafe will inform the NDIS Commission where a Police investigation delays conducting a required investigation and finalising a report.

**NDIS Commission:
Investigating Incidents**

Highlands Drivesafe will investigate and respond to all Reportable Incidents. The nature of any investigation or actions following an incident will be proportionate to the harm caused and any risk of future harm to people with disability. If the NDIS Commission requires a Reportable Incident to be investigated, either internally or by an external independent investigator, Highlands Drivesafe will fully comply with the Commission's requests. Where an incident relates to potential staff-to-participant abuse or poor quality of care, some degree of independence is required for the investigation.

Depending on the nature of the incident and the organisation, one of the following maybe appropriate to conduct the investigation:

- an area of the organisation that is sufficiently independent from staff who are the subject of any allegations, such as another division or an independent investigative function;
- another service provider independent from the staff who are the subject of any allegations;
- an external investigative body.

An investigation must:

- be in proportion to the nature and significance of the incident and any associated allegations;
- include the identification of any previous relevant allegations that should be considered regarding the relevant individuals;
- include a degree of independence appropriate to the seriousness of the incident;
- adopt a person-centred and rights-centred approach, considering what is important to the participant;
- abide by the standard principles of good investigations:
 - procedural fairness,
 - confidentiality and privacy,
 - appropriate interview techniques,
 - evidence based,
 - properly documented, and
 - result in an investigation report.

Internal and external investigators must be appropriately trained in conducting serious workplace investigations, including investigating serious incidents that may involve a criminal element.

The Director (or delegated investigator) will appropriately assess and/or investigate all incidents having regard to the views of any person with disability impacted by an incident and including the following:

- whether the incident could have been prevented;
- how well the incident was managed and resolved;
- what, if any, remedial action needs to be undertaken to prevent further similar incidents from occurring, or to minimise their impact;
- whether other persons or bodies need to be notified of the incident.

Investigation Reports If required:

Highlands Drive Safe will supply details to the NDIS Commission in connection with any internal or external investigation or assessment that has been undertaken in relation to the reportable incident, including:

- the name and position of the person who undertook the investigation;
- when the investigation was undertaken;
- details of any findings made;
- details of any corrective or other action taken after the investigation;
- a copy of any report relating to the investigation;
- information about whether persons with disability impacted by the incident (or their representative) have been kept informed of the progress, findings, and actions relating to the investigation or assessment;
- any other information required by the NDIS Commission.

The details outlined above should be included in the final report to the NDIS Commission which must be provided within 60 business days following the initial notification. The NDIS Commission may extend the period for providing the final report—for example, if there is a concurrent police investigation the reportable incident investigation will be justifiably delayed. The notification must be made in writing, by completing a form approved by the NDIS Commission and returning it to the NDIS Commission via email.

NDIS Commission:

Corrective and Restorative Action Participants affected by incidents will be provided information about how the incident has been managed and the measures taken to ensure against recurrence. All investigations should determine whether corrective and/or restorative measures are required. The NDIS Commission may require Highlands drivesafe to take corrective and/or restorative measures. The NDIS Commission may work with Highlands Drivesafe to implement the measures and monitor progress.

Restorative measures may include, but are not limited to:

- providing ongoing support to people with disability impacted by a portable incident,
- giving an apology,
- providing compensation - for example, through an enforceable undertaking. Corrective measures may include, but are not limited to:
 - disciplinary action,
 - training or education of workers,
 - modification of the environment,
 - development or amendment of a policy or procedure,
 - changes to the way in which supports, or services are provided, or
 - other practice improvements.

Identifying Individuals Involved in Portable Incidents

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The team includes:

- ... and the following (this does not mean that the following are the only individuals who should be involved):
 - The person or persons who were directly involved in the incident
 - The person or persons who were indirectly involved in the incident
 - The person or persons who were responsible for the incident
 - The person or persons who were involved in the investigation
 - The person or persons who were involved in the remediation
 - The person or persons who were involved in the reporting
 - The person or persons who were involved in the follow-up
 - The person or persons who were involved in the review
 - The person or persons who were involved in the improvement
 - The person or persons who were involved in the communication
 - The person or persons who were involved in the training
 - The person or persons who were involved in the policy development
 - The person or persons who were involved in the procedure development
 - The person or persons who were involved in the environment modification
 - The person or persons who were involved in the support provision
 - The person or persons who were involved in the service provision
 - The person or persons who were involved in the practice improvement
1. The person or persons who were directly involved in the incident
2. The person or persons who were indirectly involved in the incident
3. The person or persons who were responsible for the incident
4. The person or persons who were involved in the investigation
5. The person or persons who were involved in the remediation
6. The person or persons who were involved in the reporting
7. The person or persons who were involved in the follow-up
8. The person or persons who were involved in the review
9. The person or persons who were involved in the improvement
10. The person or persons who were involved in the communication
11. The person or persons who were involved in the training
12. The person or persons who were involved in the policy development
13. The person or persons who were involved in the procedure development
14. The person or persons who were involved in the environment modification
15. The person or persons who were involved in the support provision
16. The person or persons who were involved in the service provision
17. The person or persons who were involved in the practice improvement

- supporting participants who were witness to an incident. Where a participant perpetrates a reportable offence and requires legal representation and assistance during the investigation and hearing, Highlands Drivesafe will assist the participant or contact the service most directly responsible for the participant's care to organise support.

NDIS Commission:

Record Keeping Records of all reportable incidents that occur or are alleged to have occurred must be kept for a period of seven years from the date of notifying the NDIS Commission.

Highlands Drivesafe will retain:

- completed NDIS reportable incident notification forms,
- records of investigations, including:
 - records of interviews,
 - evidence collected,
 - any relevant correspondence,
 - investigation reports and outcomes. Incidents involving participants under 18 years old should be kept until the participant turns (or would have turned) 25 years old. The Director (or delegate) will be responsible for creating and maintaining incident records, while the provider will be required to retain them.

Child-related:

Mandatory Reporter Guide (MRG) The MRG is an online automated decision-making tool which generates decisions in response to input information, assisting mandatory reporters determine how to respond to and report child-related abuse and neglect.

Responses include:

- Immediate Report to Community Services—staff should report concerns to the Helpline immediately, following the instructions on the screen.
- Consult with a Professional—the indicators border on the threshold for Risk of Significant Harm. Staff should consider further action to address child wellbeing concerns, consulting their supervisors or other informed parties about referral options or other strategies.
- Consult with your manager—indicates that there is no risk of significant harm, but the family may benefit from a referral to additional services and has shown a willingness to accept services. For example, there may be a need for specialist mental health services or respite care.
- Document and Continue Relationship—indicates that concerns don't meet the threshold for reporting. Where Highlands Drivesafe has a continuing relationship with the

participant, staff should monitor the situation and note any deterioration in the family's circumstances, and to use that information to review the MRG. Where staff strongly disagree with the MRG decision, they should ensure their Decision Tree selections best fit their concerns, particularly in the case of neglect and/or where they strongly believe that there exists a risk of significant harm. Where new information becomes available, review the MRG's decision accordingly.

Review of Incident Management System

The incident management system will be regularly reviewed as part of business management plan. Reviews will include:

- a document review of policies and procedures,
- a review of the causes, handling, and outcomes of incidents,
- participant and worker input, and
- other relevant feedback.

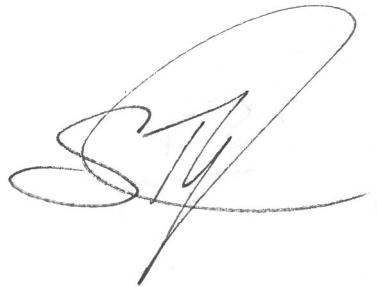
Where policies, procedures and processes are revised, changes will be communicated to staff, participants and their supporters as appropriate.

Review Date: 1/7/19

Name: Sue Tyler

Sign:

Next review: 2020

A handwritten signature in black ink, appearing to read 'Sue Tyler', written over a light blue horizontal line. The signature is fluid and cursive, with a large loop at the top and a long horizontal stroke at the bottom.