

# NDS Quality and Safeguards Sector Readiness Project

## Factsheet: Understanding Incidents - Recording and Reporting requirements

This resource has been developed to give NDIS providers an understanding of incident management and reporting. The resource includes information on:

- **What is an incident and what does the NDIS Commission consider an incident?**
- **Workplace Health and Safety (WHS) and other types of incidents.**

The resource is general in nature and is a starting point. Any policies, procedures and processes for incident management need to be developed for the size and scope of your organisation and the supports and services you provide.

## Factsheet: Understanding Incidents - Recording and Reporting requirements

### What is an incident?

The word 'incident' is used across many sectors and industries, in different contexts. Most commonly, incidents are thought of as some kind of event occurring, such as an accident, health and safety issue or unplanned occurrence which has the potential to, or actually has caused harm.

Understanding 'what is an incident', in the context of the services you provide, is an important step to being able to define and manage incidents – and the risks they present - for the people who access your services and the people you employ.

### What does the NDIS Commission consider an Incident?

The NDIS Commission have provided a definition of the incidents that NDIS Providers need to respond to in their incident management system.

These include:

1. **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.



- An **act** refers to something being done; an action being taken – either intentionally or unintentionally.
- An **omission** refers to lack of action or lack of something being done.
- An **event** refers to something that happens or takes place.
- **Circumstances** refer to facts or conditions, usually connected to an event or action.



**To increase the awareness of your teams**, consider a quick group exercise brainstorming what situations these definitions could relate to, in the context of your supports and services.

**2. 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.



**What does ‘in connection with supports’ mean?**

This is an important definition when developing your incident management processes and supporting your teams to understand incidents.

The NDIS Commission defines incidents ‘in connection with supports’ as incidents that:

- may have occurred during the course of supports or services being provided;
- arise out of the provision, alteration, or withdrawal of supports or services; and/or
- may not have occurred during the provision of supports but are connected because it arose out of the provision of supports or services.

Details and examples of incidents ‘in connection with supports’ are included in The [NDIS Commission Detailed Guidance Incident Management Systems](#).

**What does ‘could have caused harm’ mean?**

In other contexts, this is sometimes referred to as a near miss. It is where an act, omission or event occurs which could have had the potential to cause harm but did not result in harm.

Capturing incidents which could have caused harm, as part of your incident management system, gives you an opportunity to learn from them and prevent something more serious from occurring in the future.



**Check in with your workers** about incidents which could have caused harm. Do they have a clear understanding of what these types of incidents might be, and where to record and report them?

### 3. Reportable incidents that have or are alleged to have occurred in connection with providing NDIS supports or services to a person with disability.



**Reportable Incidents** are specific types of serious incidents that have, or are alleged to have, occurred in connection with the provision of supports and services by registered NDIS providers.

All incidents need to be responded to and recorded in your internal incident records management system, even if they are not reportable to the NDIS Commission.

#### **Incidents which must be reported to the NDIS Commission**

- The death of a person with disability
- Serious injury of a person with disability
- Abuse or neglect of a person with disability
- Unlawful sexual or physical contact with, or assault of, a person with disability
- Sexual misconduct committed against, or in the presence of, a person with disability, including grooming of the person
- The use of a restrictive practice in relation to a person with disability that is unauthorised use or not in accordance with a behaviour support plan.



[NDIS Commission Detailed guidance expectations of workers providing services](#) unpacks these definitions for workers and identifies their roles and responsibilities. Use the materials to discuss the important role they play in responding to and reporting incidents.

There are timeframes and reporting requirements for incidents that fall into these categories, due to the level of risk associated with them. The NDIS Commission has provided detailed guidance to Registered Providers on their responsibilities for reportable incidents: [NDIS Commission Detailed guidance reportable incidents.](#)

## Workplace Health and Safety (WHS) and other types of incidents

In addition to the NDIS defined incidents, there are incidents that are under the WHS Act. Organisations who employ staff, also have a legal responsibility to provide a safe working environment. Safe Work Australia provide practical guidance and resources to assist employers - [Safe Work Australia - Managing health and safety](#).

This includes managing workplace health and safety risks and incident reporting [Safe Work Australia - Incident reporting](#).



In WA the local WHS regulator is the [WorkSafe - Department of Mines, Industry Regulation and Safety](#).

[What is a notifiable incident?](#) Gives information on what ‘notifiable incident’ means and when employers have a responsibility to report.

Other incidents which an organisation might consider when developing their framework are:

<b>Incidents which impact people’s personal security</b>	Such as accidents, injuries, and near misses.
<b>IT or information security incidents</b>	Such as breach or suspected breach of information, data or privacy.
<b>Incidents which have a financial impact</b>	Such as significant damage and/or loss of equipment or goods.
<b>Incidents which impact physical security</b>	Such as significant damage to property.
<b>Incidents which have a reputational impact</b>	Such as a significant complaint, negative feedback or breach in statutory obligations which has the potential for negative publicity.
<b>A legislative or compliance issue</b>	Such as a statutory or regulatory breach (e.g. discrimination, ethical, WHS or financial).

## Reporting to other reporting bodies

Sometimes incidents will occur which require reporting to other bodies.



**Important note:** The information below is for reporting in WA. If you require information about reporting in another state, you will need to source the relevant contacts from your state-based resources.

## Where there are concerns for a child

If there are life-threatening concerns about a child, the police should be contacted on 000.

If there are concerns about a child's wellbeing, Child Protection Central Intake Team can be contacted on 1800 273 889.

For further information and guidance, see: [Child protection \(www.wa.gov.au\)](http://www.wa.gov.au).

## Where there is an alleged or suspected criminal offence

Where it is alleged or suspected that a criminal offence has occurred, or where there is ongoing danger, Police and other relevant emergency services should be contacted on 000.

For further information and guidance, see: [Western Australia Police Force](http://www.wa.gov.au).

## In the event of a death

There are circumstances where a death must be reported to a coroner, including but not limited to when a death was unexpected, as a result of an accident, they were 'held in care' or their identity is not known.

For further information and guidance, see: [Which Deaths are Reported to the Coroner? Coronerscourt.wa.gov.au](http://www.coronerscourt.wa.gov.au).

## Reporting a death or serious incident at a workplace

To report a workplace related death, serious injury or illness, or immediately life-threatening dangerous incident call WorkSafe WA 1800 678 198.

For further information and guidance, see Department of Mines, Industry Regulation and Safety: [Report a death or serious incident at a workplace](http://www.wa.gov.au) and [Report an incident](http://www.wa.gov.au).

## Where there has been a data breach?

A data breach, where there is a serious risk of harm to the persons affected by the data breach, must be reported to the Office of the Australian Information Commissioner (OAIC).

For further information and guidance, see: [About the Notifiable Data Breaches scheme - Home \(oaic.gov.au\)](#).

**Please note:** This resource was reviewed in August 2023 by the NDS Quality and Safeguards Sector Readiness Project. The resource is general in nature and is provided as a guide only. NDS believes that the information contained in this publication is correct at the time of publishing, however, NDS reserves the right to vary any of this publication without further notice. The information provided in this publication should not be relied upon instead of other legal, medical, financial, or professional advice. Please always refer to online documents for the latest versions including the NDIS Practice Standards and advice to providers on the Code of Conduct.

