



NDIS Quality
and Safeguards
Commission

Your guide to **incident management**

Who is this document for?

- All NDIS providers,
registered and
unregistered.

After reading this document, you will understand:

- the NDIS Commission's requirements
for incident management
- the types of incidents that need to be reported
- what these requirements mean for registered
and unregistered NDIS providers
- how to notify the NDIS Commission
of a reportable incident.

Incident management under the NDIS Commission

The framework for managing and reporting incidents under the NDIS Commission is designed to protect the rights and safety of NDIS participants.

Registered NDIS providers are required to:

- report certain incidents to the NDIS Commission
- have an effective, proportionate incident management system as a condition of registration. This system must set out procedures for identifying, managing and resolving incidents.

This document provides an overview of your incident management obligations under the NDIS Commission.

i For specific information on how these requirements affect incident management and reporting, see the 'Reportable incidents' page of the NDIS Commission website.

What does this mean for registered NDIS providers?

Your organisation must have internal management and reporting arrangements in place that ensure all incidents (not just reportable incidents) are recorded, and that actions are taken to respond to them and prevent such incidents from happening again.

Your incident management system must be:

- **appropriate for your organisation's size and the types of supports or services you deliver**
- **documented**
- **readily accessible to all workers you employ or otherwise engage, and to persons with disability who receive supports or services from your organisation.**

The type of incident management system maintained is likely to differ between providers, depending on their size and the types of supports or services delivered.

The NDIS Commission can provide you with guidance to build your organisation's capacity to prevent and respond to incidents. Failing to maintain an appropriate incident management system could place you in breach of the conditions of registration and penalties may apply.

i Practical information to help you develop and improve your incident management systems can be found in the 'Incident Management System Guidance' document, available on the 'Reportable incidents' page of the NDIS Commission website.

What does this mean for unregistered NDIS providers?

Although unregistered NDIS providers are not subject to the incident management requirements outlined in the NDIS Practice Standards, you must still comply with the NDIS Code of Conduct.

To support this compliance, it's good practice to have an appropriate and effective incident management system in place and to know how to respond to any incident that may occur.

 **Find out more about meeting the NDIS Code of Conduct in the 'Your Guide to the NDIS Code of Conduct' leaflet, included in this kit.**

What types of incidents need to be reported?

All registered providers must report to the NDIS Commission serious incidents (including allegations) that occur in connection with the provision of supports and services, including:

- the death of an NDIS participant
- serious injury of an NDIS participant
- abuse or neglect of an NDIS participant
- unlawful sexual or physical contact with, or assault of, an NDIS participant
- sexual misconduct committed against, or in the presence of, an NDIS participant, including grooming of the NDIS participant for sexual activity
- the unauthorised use of a restrictive practice in relation to an NDIS participant.

When notified of a reportable incident, the NDIS Commission will determine whether action is required, which may include requiring the provider to take remedial action (including securing the immediate safety of participants), carrying out an internal investigation or engaging an expert to conduct an investigation.



Reporting an incident to the NDIS does not replace existing obligations to report suspected crimes to the police and other relevant authorities.

What are the timeframes for reporting incidents?

Most reportable incidents must be:

- notified to the NDIS Commission within 24 hours, and
- followed up with a detailed report about the incident and actions taken in response within 5 business days.

The unauthorised use of restrictive practice must be:

- notified to the NDIS Commission within 5 business days, but
- reported within 24 hours if there is harm to a participant.

A **final report** may also be required within 60 business days of submitting the 5 day report. The NDIS Commission will advise you whether a final report is required.

What types of records should be kept?

Registered providers must keep clear records of incidents. These records must be made available to approved quality auditors as part of the audit process and may be used to contribute to NDIS Commission investigations of incidents.

In all cases, you must provide an assessment of:

- the impact on the NDIS participant
- whether the incident could have been prevented
- how the incident was managed and resolved
- what, if any, changes are required to prevent further similar events occurring
- whether other persons or bodies need to be notified.

How do I notify the NDIS Commission of a reportable incident?

Information about how to submit a reportable incident is available on the 'Reportable incidents' page of the NDIS Commission's website. To contact the reportable incidents team, call **1800 035 544**.



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