



## The NDIS Quality and Safeguards Commission

### A new system for reporting complaints and incidents in the Northern Territory

The NDIS Quality and Safeguards Commission (NDIS Commission) is an independent government body that works to improve the quality and safety of NDIS services and supports, investigates and resolves problems, and strengthens the skills and knowledge of providers and participants.

The NDIS Commission will commence in the Northern Territory on 1 July 2019 and will progressively roll out across Australia. When it is operational in all states and territories, the NDIS Commission will provide a single, national registration and regulatory system for providers that will set a consistent approach to quality and safety across Australia.

Registered NDIS providers are required by Commonwealth law to have appropriate systems in place to respond to any incidents that occur or are alleged to have occurred in connection with the provision of supports or services to NDIS participants. The following table provides guidance on the reporting of incidents in the Northern Territory prior to, and since 1 July 2019.

### Then and Now in Reporting Incidents in the Northern Territory

Requirement	State Based Reporting	Under the NDIS Commission
<b>Supports or services concerned</b>	NDIS providers receiving funding from the Office of Disability	NDIS providers delivering funded services or supports to participants
<b>Incident Management System</b>	<p><b>Prior to 4 March 2019</b> NDIS providers were to have a system for the management of critical incidents including ensuring internal reporting arrangements were in place to record critical incidents and report to the Office of Disability.</p> <p><b>After 4 March 2019</b> NDIS providers had to maintain an incident management system that included appropriate policies and procedures that are understood and implemented by staff and included:</p>	<p>NDIS Providers must maintain an incident management system as outlined in <a href="#">section 5 of the NDIS (Incident Management and Reportable Incidents) Rules 2018</a> including an incident management system which:</p> <ul style="list-style-type: none"> <li>• sets up procedures for identifying, assessing, managing and resolving reportable incidents</li> <li>• covers incidents that include acts, omissions, events or circumstances that:               <ul style="list-style-type: none"> <li>– Occur in connection with providing supports or services to a participant</li> <li>– Have, or could have, caused harm to the participant; or</li> </ul> </li> </ul>

Requirement	State Based Reporting	Under the NDIS Commission
	<ul style="list-style-type: none"> <li>Recording critical incidents and near misses and (where appropriate) document on the participant file</li> <li>Reporting critical incidents as they occur, to the Office of Disability as required</li> </ul>	<ul style="list-style-type: none"> <li>Have, or could have caused harm to another person</li> <li>covers reportable incidents that are alleged to have occurred in connection with providing supports to participants</li> <li>specify: <ul style="list-style-type: none"> <li>to whom incidents must be reported; and</li> <li>how participants who are affected by an incident will be supported and involved in resolving the incident; and</li> <li>when corrective action is required</li> </ul> </li> </ul> <p>NDIS providers must keep records about incidents, and must document their incident management system and make it available to workers and participants</p>
<p><b>What must be reported</b></p>	<p>Referred to as a 'Critical Incident' and includes any event that occurred because of, or during the delivery of supports to a participant, and resulted in any of the types of incidents listed below.</p>	<ul style="list-style-type: none"> <li>Referred to as a '<b>Reportable Incident</b>' and defined in section 73Z of the <i>National Disability Insurance Scheme Act 2013</i> (Cth) (<i>NDIS Act</i>) or section 16 of the <i>NDIS (Incident Management and Reportable Incidents) Rules 2018</i> as an incident that has occurred, or is alleged to have occurred, in connection with the provision of supports or services by a registered NDIS provider.</li> </ul>
<p><b>What types of incidents to report</b></p>	<p><b><u>Prior to 4 March 2019</u></b></p> <ul style="list-style-type: none"> <li>Death, injury or illness of a participant, staff member or other person</li> <li>Abuse or neglect of a participant</li> <li>Unlawful sexual or physical contact with a participant</li> <li>Sexual misconduct against a participant</li> <li>Unauthorised use of restrictive practice against a participant</li> <li>Engagement in the justice system</li> <li>Medication issues</li> <li>Outbreak of notifiable disease</li> <li>Property Damage</li> <li>Financial abuse</li> <li>Breach of Domestic Violence Order or Apprehended Violence Order</li> <li>Participant being unsupervised/unsupported by staff</li> <li>Breach of confidentiality</li> <li>Self-harm</li> <li>Suicide Attempt</li> </ul> <p><b><u>After 4 March 2019:</u></b></p> <ul style="list-style-type: none"> <li>The death of a participant;</li> <li>Serious injury of a participant;</li> </ul>	<p>A <b>reportable incident</b> includes:</p> <ul style="list-style-type: none"> <li>The death of a participant;</li> <li>Serious injury of a participant;</li> <li>Abuse or neglect of a participant;</li> <li>Unlawful sexual or physical contact with, or assault of, a participant</li> <li>Sexual misconduct committed against, or in the presence of, a participant, including grooming of the participant for sexual activity;</li> <li>The use of a restrictive practice in relation to a participant, other than where the practice is authorised and used in accordance with the participants approved behaviour support plan.</li> </ul>

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	<ul style="list-style-type: none"> <li>Abuse or neglect of a participant;</li> <li>Unlawful sexual or physical contact with, or assault of, a participant</li> <li>Sexual misconduct committed against, or in the presence of, a participant, including grooming of the participant for sexual activity;</li> <li>The use of a restrictive practice in relation to a participant, other than when it is included in a positive behaviour support plan, consented and authorised.</li> </ul>	
<p><b>When to report an incident</b></p>	<p><b><u>Prior to 4 March 2019:</u></b>            NDIS Providers were to report critical incidents to the Office of Disability:  <b>Level 1:</b> Critical incident report was to be provided to the Office of Disability within 24 hours of the provider being made aware of the incident occurring.  <b>Level 2:</b> Critical incident report was to be provided to the Office of Disability within 48 hours of the provider being made aware of the incident occurring.</p> <p><b><u>After 4 March 2019:</u></b>            An interim notification was to be provided to the Office of Disability <u>within 24 hours</u> of being made aware of the incident occurring, with a full report to be provided to the Office of Disability <u>within 5 business days</u>.</p>	<p>Under section 20 of the <i>NDIS (Incident Management and Reportable Incidents) Rules 2018</i>, certain reportable incidents must be notified to the Commissioner <u>within 24 hours</u> including:</p> <ul style="list-style-type: none"> <li>The death of a participant;</li> <li>Serious injury of a participant</li> <li>Abuse or neglect of a participant</li> <li>Unlawful sexual or physical contact with, or assault of, a participant; or</li> <li>Sexual misconduct committed against, or in the presence of a participant including the grooming of the participant for sexual activity</li> </ul> <p>Any reportable incidents that do not fall in the categories above are to be notified to the Commissioner <u>within 5 days</u> of the provider becoming aware that the reportable incident has occurred.</p>
<p><b>Who is responsible for reporting an incident</b></p>	<p>All disability providers in the Northern Territory were required to report critical incidents to the Office of Disability. Providers were to nominate an ‘authorised person’ to make the critical incident report.</p>	<p>The responsibility for ensuring reportable incidents are reported appropriately belongs to:</p> <ul style="list-style-type: none"> <li>The service provider’s Key Personnel</li> <li>The person(s) specified in the provider’s incident management system</li> </ul>
<p><b>How you report</b></p>	<p><b><u>Prior to 4 March 2019:</u></b>            Providers were to fill in the Critical Incident report form found on the Northern Territory Government website, and send to <a href="mailto:cirDisability.DOH@nt.gov.au">cirDisability.DOH@nt.gov.au</a> within the specified time frames for the level of severity.</p> <p><b><u>After 4 March 2019:</u></b>            Providers completed either a 24-hour interim or 5-day full report and email the notification to <a href="mailto:cirDisability.DOH@nt.gov.au">cirDisability.DOH@nt.gov.au</a> or call (08) 8999 2508 and provide details of the incident and those involved.</p>	<p>Both the 24 hour and 5 day notification forms for notifying the NDIS Commission of a reportable incident can be found on the NDIS Commission website at <a href="http://www.ndiscommission.gov.au/RI">www.ndiscommission.gov.au/RI</a> and should be sent to <a href="mailto:reportableincidents@ndiscommission.gov.au">reportableincidents@ndiscommission.gov.au</a>.</p>

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<b>Corrective Action</b>	<p>The Office of Disability would review critical incidents and work with providers to develop and build their capability to prevent and respond to critical incidents.</p> <ul style="list-style-type: none"> <li>• A provider was required to set corrective actions at both the participant and provider level, along with a timeframe for completion.</li> <li>• Support was provided to assist providers to develop the skills to set appropriate actions.</li> </ul>	<p>The NDIS Commission can take action in response to a notification of a reportable incident or require the provider take certain action</p>
<b>Additional Reporting Obligations</b>	<p>Providers had other reporting obligations including mandatory reporting requirements to:</p> <ul style="list-style-type: none"> <li>• Police in the case of any possible alleged criminal acts during service delivery</li> <li>• Family violence and suspected abuse/neglect of minors</li> <li>• Critical incidence reporting to the Office of Disability (subject to NT and Commonwealth privacy laws)</li> </ul> <p>Complaints regarding the quality of disability service provision were directed to the Health and Community Services Complaints Commission (HCSCC).</p>	<p>Making an incident report to the NDIS Commission does not replace requirements for additional reporting to other authorities including but not limited to:</p> <ul style="list-style-type: none"> <li>• Where a reportable incident may constitute a criminal offence or if police attendance is necessary to ensure the safety of those involved in the incident, the incident must be reported immediately to the Northern Territory Police.</li> <li>• Where a person believes on reasonable grounds that the reportable incident has child protection implications, NDIS providers will be required to comply with mandatory child protection reporting requirements.</li> </ul>
<b>Record Keeping</b>	<p>The Office of Disability maintain an incident register.</p>	<p>Registered NDIS providers must keep records of each reportable incident that occurs, or is alleged to have occurred, for a period of seven years from the date of notifying the NDIS Commission of the incident.</p>
<b>How participants can make a complaint</b>	<p>Registered providers were to have a clear and accessible complaints handling and dispute resolution system including accessible information for Aboriginal people and people from culturally and linguistically diverse backgrounds. If participants were not satisfied with the outcome of their complaint, providers were to advise participants of their right to make a complaint to the Health and Community Services Complaints Commission. If the complaint was unable to be raised or resolved with the provider, the NT Department of Health could refer the complaint to the Health and Community Services Complaints Commission, the Office of the Children’s Commissioner and the Anti-Discrimination Commission. Complaints about the NDIA or participant plans could be made to the NDIA or the Commonwealth Ombudsman.</p>	<p>Complaints about the quality or safety of NDIS supports and services can be made to the NDIS Commission by calling 1800 035 544.</p> <p>Complaints about the NDIA or participant plans continue to be made to the NDIA or to the Commonwealth Ombudsman.</p> <p>Registered providers are required to have effective and proportionate internal complaint management and resolution arrangements in place. Registered providers must afford procedural fairness to people when managing complaints.</p>