



A new incidents reporting and complaints system in Tasmania

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 Tasmania 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.

What has changed?

Under the NDIS Commission, registered providers must have an incidents management system in place to record and manage incidents (including allegations) that occur while providing supports or services to people with disability.

All providers, registered and unregistered, must also have an in-house complaints management and resolution system and support participants to make a complaint.

The following table provides guidance on the reporting of incidents and complaints in Tasmania prior to, and from 1 July 2019.

Incidents	Prior to the NDIS Commission	Under the NDIS Commission
Supports or services concerned	Service providers who were funded by the Department of Communities Tasmania (DCT) Disability and Community Services (DCS)	NDIS providers delivering funded services or supports to participants
Incident Management System	<p><u>Consumer Related Reportable Incidents:</u></p> <p>As part of the <i>Quality and Safety Framework</i>, community sector organisations were required to maintain localised documented processes to support the effective implementation of the <i>Consumer Related Reportable Incident Policy for Tasmania's DHHS Funded Community Sector (Consumer Related Reportable Incident Policy)</i>.</p> <p>Community sector organisations were also required to have systems in place to appropriately manage all reportable consumer related incidents and take reasonable steps to minimise the opportunity for occurrence or reoccurrence of all consumer related incidents.</p>	<p>As outlined in the <i>NDIS (Incident Management and Reportable Incidents) Rules 2018</i>, incidents that must be recorded and managed include incidents where harm, or potential harm, is caused to or by a person with disability while they are receiving NDIS supports or services.</p> <p>The incident management system must include procedures for identifying, assessing, recording, managing, resolving and reporting incidents.</p> <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><u>Allegations of Abuse:</u></p> <p>Providers were required to maintain and provide evidence of a system for responding appropriately to allegations of abuse and neglect. Providers were to give information to participants about their ability to access an advocate, develop, and implement clear policies and procedures relating to the documentation and reporting of any instances where allegations of abuse are made.</p>	
What must be reported	<p><u>Consumer Related Reportable Incidents:</u></p> <p>Referred to as ‘consumer related reportable incidents’ and defined in the <i>Consumer Related Reportable Incident Procedure</i>.</p> <p><u>Allegations of Abuse:</u></p> <p>Any allegations of abuse were reported under the <i>Preventing and Responding to Abuse in Services Procedure</i>.</p>	<p><u>Reportable Incidents</u> are serious incidents or allegations, which result in harm to an NDIS participant, which happened in connection with the provision of supports or services by registered NDIS providers.</p>
What types of incidents to report	<p><u>Consumer Related Reportable Incidents:</u></p> <p>A consumer related reportable incident was an ‘unexpected and unintended event or circumstance that leads to:</p> <ul style="list-style-type: none"> • harm or suffering, loss or damage to a consumer during an episode of service delivery resulting in: <ul style="list-style-type: none"> – death, injury or admission to hospital – theft or misappropriation of consumer funds; • complete or major disruption to the provision of services to consumers. <p><u>Allegations of Abuse:</u></p> <p>Where an allegation of abuse was made, community organisations are to follow the <i>Preventing and Responding to Abuse in Services Procedure</i>.</p> <p>According to this document, there were five types of abuse to be reported:</p> <ul style="list-style-type: none"> • physical abuse • sexual abuse • emotional/Psychological abuse • neglect • financial abuse <p><u>Unauthorised use of a Restrictive Intervention:</u></p> <p>These actions must be reported to the Senior Practitioner (Tasmania) in accordance with section 36 the Tasmanian <i>Disability Services Act 2011</i>. The action is not considered ‘abuse’ if it is used to protect the person from harm and is the least restrictive option. Notification needs to occur within 24 hours or the next working day of an incident occurring.</p>	<p>The following reportable incidents (including allegations) arising in the context of NDIS supports or services must be reported to the NDIS Commission:</p> <ul style="list-style-type: none"> • the death of a participant; • serious injury of a participant; • abuse or neglect of a participant; • unlawful sexual or physical contact with, or assault of, a participant; • sexual misconduct committed against, or in the presence of, a participant, including grooming of the participant for sexual activity; • 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 <p>In addition to incident reporting requirements under the NDIS Commission, providers must report the unauthorised use of a Restrictive Intervention to the Senior Practitioner (Tasmania) in accordance with section 36 the Tasmanian <i>Disability Services Act 2011</i>.</p>

<p>How you report</p>	<p><u>Consumer Related Reportable Incidents:</u> Providers were to provide a verbal report within 24 hours of the incident occurring, and a written report within 2 working days using either the <i>Reportable Incident Form</i> available via the DCT website or the provider's form ensuring the required reporting fields were included.</p> <p><u>Allegations of Abuse:</u> Providers were to report allegations of abuse within 48 hours using the <i>Allegation of Abuse Alert (AAA) Form I</i> available on the Tasmanian Department of Communities Tasmania website.</p> <p>A progress report was to be provided to DCS using the <i>Allegation of Abuse or Neglect Report (AANR) Form II</i> within 28 calendar days. This form is available on the DHHS website.</p>	<p>From 1 July 2019 providers will be able to report through the NDIS Commission's website</p>
<p>When to report an incident</p>	<p><u>Consumer Related Reportable Incidents:</u></p> <ul style="list-style-type: none"> Providers were to verbally notify the Department of Communities Tasmania (DCT) of the incident within 24 hours or the next working day of an incident occurring A documented report was then to be provided to the DCT within two working days <p><u>Allegations of Abuse:</u></p> <ul style="list-style-type: none"> Providers who were made aware of alleged abuse or neglect of a participant must notify Disability and Community Services (DCS) of the alleged incident within 48 hours (two working days) of being notified of an allegation <p>Providers were to complete a progress report to DCS on the <i>Allegation of Abuse or Neglect Report (AANR) Form II</i> within 28 calendar days</p>	<p>Most reportable incidents must be notified to the NDIS Commission within 24 hours of a provider's key personnel being made aware of the incident. A more detailed report about the incident and actions taken in response to it is required within five working days.</p> <p>The NDIS Commission must be notified of the use of unauthorised restrictive practices within five business days of a provider's key personnel being made aware of the incident. If there is harm to a participant, it must be reported within 24 hours as the relevant reportable incident category, such as serious injury or abuse.</p> <p>A final report may also be required within 60 business days of submitting the five-day report. The NDIS Commission will advise providers if a final report is required.</p>
<p>Who is responsible for reporting an incident</p>	<p><u>Consumer Related Reportable Incidents:</u> Effective incident management required a whole of organisation approach, with accountability for reporting at all levels.</p> <p><u>Allegations of Abuse:</u> All service providers were responsible for reporting allegations of abuse</p>	<p>All registered providers, regardless of their service type, are required to notify the NDIS Commission of reportable incidents that occur in connection with the delivery of NDIS supports and services.</p>
<p>Corrective action</p>	<p><u>Consumer Related Reportable Incidents:</u> DCT supported the organisation to enquire or investigate the reportable consumer related incident.</p> <p><u>Allegations of Abuse</u> Non-compliance with this policy resulted in a breach under the Tasmanian <i>Disability Services Act 2011</i></p>	<p>The NDIS Commission may take action in response to a reportable incident, where required. This may include requiring the provider to undertake specified remedial action, carry out an internal investigation about the incident, refer the incident to another body, or engage an independent expert to investigate and report on the incident.</p> <p>Upon review of specified actions undertaken by a provider a determination may be made to refer a matter on to another function within the NDIS Commission.</p>

Record keeping	Providers must document and maintain records relating to systems and processes in place to prevent incidents occurring, and responding appropriately if they are to occur. Providers must also document and maintain records of reporting and investigations undertaken.	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.
Additional reporting obligations	Providers could contact the Department of Communities Tasmania (DCT) on 1800 000 123 where they had concerns regarding child protection. Some forms of abuse can be considered criminal offences under the <i>Criminal Code Act 1924</i> . If an allegation falls under offences listed in this legislation, providers must contact the Tasmanian Police. For any allegations of abuse, which may constitute harassment, providers must contact the Australian Anti-Discrimination Commission to investigate.	Registered providers are required to report serious incidents to the NDIS Commission. This does not replace existing obligations to report suspected crimes to the police and other relevant authorities.

Complaints	Prior to the NDIS Commission	Under the NDIS Commission
How a participant can make a complaint	<p>Complaints about providers were made to the NDIA or Disability and Community Services (DCS) within the Department of Communities Tasmania. Complaints about the NDIA or participant plans were made to the NDIA or the Commonwealth Ombudsman.</p> <p>Registered providers were required to comply with DCS Complaints and Complaints Procedure and have systems and processes to manage and respond to complaints.</p> <p>DCT made resources available to support and enhance providers' complaint management processes:</p> <p>Everything you wanted to know about complaints</p> <p>Good Practice Guide and Self Audit Tool</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. 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>

Find out more

You can find more information and resources on the NDIS Quality and Safeguards Commission website at www.ndiscommission.gov.au or you can call the NDIS Commission on **1800 035 544** during business hours.