

PARTICIPANT INCIDENT POLICY AND PROCEDURE

Purpose

Down Syndrome NSW (DS NSW) recognises the critical role Participants play in supporting DS NSW to achieve its mission. This policy and procedure provides procedures for identifying, assessing, recording, managing, resolving and reporting incidents. workplace participants

Policy Statement

DS NSW has a moral, ethical and legal responsibility to ensure all Participants (including children) are safe and takes proactive steps to protect them from harm.

DS NSW incident management system identifies, assesses, manages and resolves incidents that occur in connection with providing supports or services to a person with disability and have, or could have, caused harm to them.

DS NSW will provide support and assistance to people with disability affected by an incident (including information about access to advocates such as independent advocates), to ensure their health, safety and wellbeing.

DS NSW prioritises the safety and wellbeing of children and young people and recognises the role of families and communities in helping them to understand and use this policy and procedure.

Applicability

This Policy and Procedure applies to:

- a. All paid employees (whether full-time, part-time or casual);
- b. All persons performing work at the direction of, or on behalf of DS NSW, including independent contractors, subcontractors, agents, consultants, temporary workplace participants and 'workers' as otherwise defined under relevant occupational/work health and safety legislation
- c. All unpaid volunteers (including Board members and other volunteers)

collectively referred to here as '**workplace participants**'; and

- d. Participants of DS NSW events, conferences, clubs, programs and workshops ("Participants")

This Policy and Procedure is not limited to the workplace or work hours. It extends to all business functions and places that are work related such as work lunches, parties and internal/external networking functions and DS NSW hosted events, including social events and/or Conferences.

Roles and Responsibilities

Board	Promote best practice, continuous improvement and a service delivery culture that promotes and supports Participant safety.
CEO	Oversee the implementation of this policy and procedure.

	<p>Ensure compliance of this policy and procedure.</p> <p>Manage non-compliance of this policy and procedure.</p>
COO	<p>Oversee the implementation of this policy and procedure.</p> <p>Ensure compliance of this policy and procedure.</p> <p>Manage non-compliance of this policy and procedure.</p>
Management	<p>Ensure compliance of this policy and procedure.</p> <p>Report non-compliance to the CEO.</p>
Workplace Participants	<p>Comply with this policy and procedure.</p>
Participants	<p>Comply with this policy and procedure.</p>

Procedures

As per DS NSW Human Resources Policies and Procedures, all workplace participants must complete induction, which includes training in DS NSW incident management processes.

Training will help DS NSW workplace participants to:

- Recognise and respond to neglect, grooming and other forms of harm to vulnerable people and children
- Understand the different ways children and young people express concerns or distress and disclose harm
- Provide appropriate support to children and young people in these instances
- Meet their legal requirements with respect to child protection
- Respond to different types of incidents and complaints involving children
- Understand their privacy obligations
- Develop their listening skills
- Feel confident drawing attention to breaches of DS NSW Code of Conduct and challenging these behaviours
- Understand disclosures of harm and their reporting obligations

Workplace participants knowledge and application of this policy and procedure, DS NSW incident management system and their obligation to protect children from harm is monitored on a day-to-day basis. Additional formal and on-the-job training is provided to workplace participants where required.

Agendas for Board meetings include a standing item on Continuous Improvement, including with respect to Participant safety. The Chief Executive Officer will conduct regular review of DS NSW Risk Management Plans, Risk Register and Complaints Register.

DS NSW uses its Up!Club Policies and Procedures on the DS NSW website to provide Participants, families, carers and all other stakeholders with information about this policy and procedure, in an easy to understand format.

To ensure Participants understand this information, workplace participants must provide information to them and their supporters in ways that suit their individual communication needs. Written information can be provided in different languages and Easy English or explained verbally by workplace participants. Workplace participants can also help Participants access interpreters or advocates where required.

Privacy and Information Management

All personal information DS NSW collects to manage incidents must be handled in accordance with DS NSW Privacy and Confidentiality Policy and Procedure.

Workplace participants must keep information about incidents confidential. They may only disclose necessary detail if they are required to do so by law, or if not disclosing is likely to place the safety, health or wellbeing of any person at risk.

DS NSW Incident Register must be used to record information about incidents and their management. All information regarding incidents is kept securely in accordance with DS NSW Records and Information Management Policy and Procedure. All records regarding incidents must be retained for at least 7 years from the date they were created.

Incident Identification and Response

An incident can occur at any time and must be documented by the workplace participants member(s) witnessing the incident and/or directly involved in the event. The incident can involve one or more parties and can be deemed critical or just an incident.

An Incident is an event that:

- Requires minor medical attention (e.g. application of band aid, pressure to stop nose bleed that was not caused by another client)
- The Participant is in distress
- Is a near miss. This is when there was the potential for a critical incident but was avoided either by good fortune or management

A Critical Incident is an event that:

- Involves injury to a Participant, workplace participants member, member of the public or carer that requires some form of medical attention and happens during a DS NSW event, conference, club, program or workshop
- Requires emergency services to be contacted
- Requires immediate contact of the person(s) family
- Places a Participant (s), workplace participants member(s), other party(s) at risk of harm
- Has caused major damage to property or vehicle
- Is an identified NDIS Quality and Safeguards Commission reportable incident

Strategies to respond appropriately to incidents include:

- Recognising and acknowledging the impact of the incident on the Participant
- Assuring the Participant that the incident will be taken seriously and dealt with in a fair and equitable manner
- Clearly educating the Participant about their rights and considering their wishes
- Keeping the Participant informed of the progress, outcome and any follow-up of incidents
- If appropriate, identifying an advocate or support person and helping the Participant to contact them
- Involving the Participant in the process of reviewing or investigating the incident, including the taking their account of what happened, with communication support if required
- Ensuring the Participant has the opportunity to provide feedback on the response to the incident

Where the Participant is a child, response strategies include:

- Facilitating the active involvement of the child's support network in the response
- Considering the family's expertise and knowledge about their child when planning a response
- Working in partnership with and involving the child's family in the process of reviewing or investigating the incident and ensuring they have the opportunity to provide feedback on the incident response
- Ensuring responses are flexible, individualised and reflect the child's and family's preferences.

First Response

Assess the Situation	<ul style="list-style-type: none"> Remove the Participant from danger if it is safe to do so. Ensure the Participant's immediate safety needs are met.
Call Emergency Services	<ul style="list-style-type: none"> If the Participant requires immediate medical attention, a medical practitioner or ambulance must be called (call Emergency Services on 000), or the Participant conveyed to the nearest hospital Emergency Department.
Preserve the Scene	<ul style="list-style-type: none"> Preserve any physical or documentary evidence that may be critical to an investigation by the Police or DS NSW. In the case of alleged sexual abuse that has just occurred, to preserve any forensic evidence, the person should not be showered or bathed or offered drinks or food until after the Police have been contacted and provide further instruction.
Notify Next of Kin	<ul style="list-style-type: none"> Where the Participant consents, or does not have the capacity to consent, or is a child, contact the Participant's next of kin.
Remove Alleged Perpetrators	<ul style="list-style-type: none"> Where a workplace participant is accused or suspected of harming the Participant, they must be removed from contact with all Participants pending an investigation. If another Participant is accused or suspected of harming the Participant, where possible, they must be removed from contact with other Participants pending an investigation.
Call a Medical Practitioner	<ul style="list-style-type: none"> If Emergency Services are not required but the Participant requires medical attention (including for psychological trauma), in consultation with a family member or support person you may need to call their treating GP to make an appointment. If the GP is not available (for example, after hours), with the Participant's consent make an appointment with an alternative local GP or after hours home visiting service, or take them to the nearest local Emergency Department. Where a workplace participant is accused or suspected of harming the Participant, any medical practitioner called must be independent to DS NSW
Provide Support	<ul style="list-style-type: none"> Consider the impact of the incident on other Participants within the setting and provide them with appropriate support. Provide ongoing support to all affected Participants and workplace participants, taking into consideration that their ongoing needs may change.

In the event of a Critical Incident or Incident workplace participants must follow reporting procedures.

- Where the event requires an ambulance/fire brigade/Police to be called a workplace participant must immediately call 000.
- Where a Participant is injured, the event is deemed critical but does not require emergency treatment the family of the client should be contacted immediately.
- Where Participant behaviours are deemed by workplace participants to be putting themselves, other Participants or workplace participants at serious risk of harm the family/carers of the Participant must be immediately contacted DS NSW.

- Where an event has resulted in the death or hospitalisation of a Participant, worker or other party or sexual assault, the Chief Executive Officer must be immediately contacted.
- Where the incident is not deemed critical the incident report is to be written and if the Participant is a child the carer or family is notified when the child is collected
- Where the incident is not deemed critical the incident report is to be written and the Participant has a choice if they want the workplace participant to report the incident to their carer or family
- Where the matter creates media attention, any enquiries are not to be answered by workplace participants but directed to the Chief Executive Officer or CSO

Notifying Next of Kin or Guardian

The DS NSW workplace participant must notify the Participant's next of kin or guardian where the Participant:

- is under 18 years old
- is over 18 years old and consents to their next of kin or guardian being contacted. If the Participant is unable to make an informed decision regarding contact and does not have an appointed guardian, the DS NSW workplace participant should contact the next of kin if they believe it is appropriate; or
- has a legal guardian.

The DS NSW workplace participant must explain to the next of kin or guardian: the nature of the incident or allegation; the standard procedure for reporting incidents or allegations to the police; that the Participant may choose whether or not to participate in the police investigation; and any action taken by workplace participants since reporting the incident or allegation.

If the alleged perpetrator is the Participant's next of kin or legal guardian, the DS NSW workplace participant must ensure the immediate needs of the Participant are protected. They should work with the police or other relevant support agencies to ensure an appropriate, planned response is undertaken.

If the Participant is a child or young person who does not want their next of kin or guardian to be notified, the DS NSW workplace participant will need to consider factors such as the Participant's age and capacity, where they are living and their best interests. If necessary, the DS NSW workplace participant should contact the Chief Executive Officer. If a decision is taken to not notify the next of kin or guardian, this must be clearly documented on the Participant's file.

Incident Reporting

The workplace participant who first becomes aware of an incident must report it as soon as practicable to the most senior workplace participant. The most senior workplace participant is responsible for reporting incidents to the Chief Executive Officer. The Chief Executive Officer will notify Police. An incident report must be completed by the workplace participant as soon as practicable, once immediate safety and medical needs are met.

Workplace participants must report all Participant incidents to the Chief Executive Officer as soon as practicable.

Details of all incidents, their investigation and review must be recorded in DS NSW Incident Register. The register must include:

- a description of the incident, including the impact on, or harm caused to, any person with disability affected by the incident
- whether the incident is a Reportable Incident
- the time, date and place at which the incident occurred (if known) or the time and date the incident was first identified
- the names and contact details of the people involved in the incident
- the names and contact details of any witnesses to the incident
- details of the assessment of the incident
- the actions taken in response to the incident, including actions taken to support or assist the person with disability affected by the incident
- any consultations undertaken with the person with disability affected by the incident
- whether people with disability affected by the incident or their supporters have been provided with any reports or findings regarding the incident
- if an investigation is undertaken, the details and outcomes of the investigation
- the name and contact details of the person making the record of the incident.

Reportable Incidents

DS NSW Chief Executive Officer must take all reasonable steps to ensure that Reportable Incidents are notified to the NDIS Commissioner within the required timeframes by phoning 1800 035 544 or emailing reportableincidents@ndiscommission.gov.au.

Reportable Incidents Requiring Notification Within 24 Hours

The Chief Executive Officer or another member of the or senior management team must report the following incidents to the NDIS Commission **within 24 hours**:

- the death of a person with disability
- the serious injury of a person with disability
- the 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 for sexual activity

The following information must be provided:

- the organisation's name and contact details
- a description of the reportable incident
- a description of the impact on, or harm caused to, the person with disability (this may not be required if the reportable incident was a death)
- the immediate actions taken in response to the reportable incident, including actions taken to ensure the health, safety and wellbeing of the person affected by the incident
- whether the incident has been reported to the Police or any other body
- the name and contact details of the person making the notification
- if known, the time, date and place at which the reportable incident occurred
- the names and contact details of the people involved in the reportable incident

- any other information requested by the NDIS Commissioner

Where necessary, the last three pieces of information in the list above can be provided within 5 business days, if it is not available at the time of the initial report.

After the initial report, the following additional information must also be provided to the NDIS Commission within 5 working days:

- the names and contact details of any witnesses to the reportable incident
- any further actions proposed to be taken in response to the reportable incident

Information provided to the NDIS Commission within the first 24 hours of an incident must be provided via telephone or using the *Reportable Incident - Immediate Notification Form*. Information provided after the initial 24-hour period must be provided using the *Reportable Incident – 5 Day Notification Form*.

Reportable Incidents Requiring Notification Within 5 Business Days

The Chief Executive Officer or another member of the senior management team must report incidents, other than those that fall into the categories listed above, to the NDIS Commission **within 5 business days**. All of the information listed above must also be provided for these incidents using the *Reportable Incident – 5 Day Notification Form*.

Instances where information is not required

The following information does not have to be reported to the NDIS Commission if doing so could reasonably be expected to prejudice the conduct of a criminal investigation or expose a person with disability to risk of harm:

- a description of the reportable incident
- a description of the impact on, or harm caused to, the person
- the time, date and place at which the reportable incident occurred
- the names and contact details of the people involved in the reportable incident
- the names and contact details of any witnesses to the reportable incident.

Ongoing Reporting

Should significant new information about an incident relate to a change in the kind of reportable incident or is a further reportable incident, the Chief Executive Officer or other senior management team member must notify the NDIS Commission as soon as reasonably practicable.

Once an incident has been reported to the NDIS Commission, the NDIS Commissioner may:

- refer the incident to another person or body with responsibility in relation to the incident (such as a State or Territory agency responsible for child protection)
- require DS NSW to undertake remedial action within a certain period
- require DS NSW to conduct an internal investigation and provide a report
- require DS NSW to engage an appropriately qualified and independent expert, at its own expense, to carry out an investigation in relation to the incident and provide a report
- carry out an inquiry in relation to the incident (whether it has been reported to the Commission or not)
- take other action considered reasonable in the circumstances.

Mandatory Reporting Requirements

DS NSW workplace participants, contractors and volunteers working with children are Mandatory Reporters with respect to protecting children from harm.

Workplace participants must report any suspected or actual reportable concerns (see Definitions) to the Police or Child Protection authorities as soon as practicable. Workplace participants must also notify the Chief Executive Officer of their report.

If the report is about an immediate emergency, call **000** and ask for police.

Otherwise, contact the Child Protection Intake Service that supports the local government area (LGA) where the child normally resides. Contact details are available at [MRG \(nsw.gov.au\)](http://MRG(nsw.gov.au))

Workplace participants must be aware that, legally, their **duty of care obligations to a child don't end once they have reported their concerns** – meaning that they still need to take all reasonable steps to protect the child once they have made a report.

Investigating Incidents

The options for investigating incidents are:

- **No further investigative action** – This may be appropriate where it can be clearly established that the report of the incident is inaccurate or there is no basis for concern about the safety of the Participant or the quality of care the Participant is receiving. If the decision is not to undertake an investigation, the grounds for this decision must be supported and recorded with reasoning backed up by evidence. The incident must then be the subject of a review (detailed below).
- **Monitoring and support required** – Certain information may raise issues that do not necessarily warrant an investigation, but nevertheless require changes in practices. DS NSW may manage these issues by monitoring and supporting affected workplace participants or Participants, and documenting this on relevant workplace participants and Participant files. The incident must then be the subject of a review (detailed below).
- **Internal investigation** – This option may be selected only where DS NSW has the capability to undertake an investigation independently. In instances where Police are notified, DS NSW will follow police protocol so as not to interfere with police investigations. See section below for more information.
- **External investigation** – In other cases, DS NSW will need to commission an investigation by an external party to ensure the investigation is robust, objective and expert. The Investigation Manager may commission an investigator, or a person from another organisation, with relevant expertise.

Regardless of the type of incident or investigation method used, incident investigation must focus on the incident only. All parties involved in an incident must be provided with procedural fairness and with the support and information necessary to participate in the investigation process.

For every Reportable Incident, or where an investigation is ordered by the NDIS Commission, the Chief Executive Officer must appoint an Investigation Manager to determine the appropriate investigative action for an incident and oversee the incident's investigation.

The Chief Executive Officer must determine the appropriate investigative action for all incidents within a maximum of 72 hours of DS NSW becoming aware of the incident. The Chief Executive Officer may seek advice from other workplace participants if appropriate.

Investigations must take a person-centred and rights-based approach, taking into account what is important to the person with disability impacted by the incident. The person and their supporters should be invited to participate in the investigation and be provided the support they need to do so. The investigation must, however, remain impartial and independent at all times.

All investigations must be completed (including report finalisation) within 28 working days.

DS NSW must provide information on investigation progress and outcomes to the person with disability involved in the incident (or their supporters) and, with the consent of the person with disability or their representative, any other person.

An investigation report must be completed by the Chief Executive Officer. A report may also need to be provided to the NDIS Commission within **60 business days** of the initial notification, via reportableincidents@ndiscommission.gov.au. The instructions of NDIS should be followed.

Investigation reports should include:

- details of any internal or external investigation or assessment that has been undertaken in relation to the 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 of the investigation or assessment
- whether the person affected by the incident (or their supporter) has been kept informed of the progress, findings and actions relating to the investigation or assessment.

The NDIS Commissioner may take further action based on the outcome of an investigation.

Once any actions required as a follow-up to the investigation have been implemented, the Investigation Manager can complete the incident investigation.

Communication

DS NSW must provide timely feedback to anyone who reports an incident, raises concerns or makes a complaint about harm to another person. Feedback must be provided as soon as possible and within 7 days from the incident occurring.

If an incident cannot be responded to in full within 7 days, an update must be provided. This should include the date by which a full response can be expected. The update should be provided verbally in the first instance then confirmed in writing.

The Chief Executive Officer should discuss the outcome of an incident investigation verbally with those involved, where possible. This must be followed by written advice that provides people the opportunity to make further contact with the Chief Executive Officer if required.

The written advice must also include information on what further action may be available or taken at the conclusion of the incident investigation. This may include escalating the matter further with an external agency or seeking a further review within the business. Written advice should also seek feedback from the person regarding their experience of the incident management process.

Support must be provided to assist people's understanding of correspondence regarding incidents, where this is required (e.g. interpreters, referral to advocates, etc.).

Incident Review

Incident review includes identifying, monitoring and acting upon trends and systemic issues identified through the analysis of incident information. The purpose of analysing incident data is to learn from patterns of incidents in order to safeguard the safety and wellbeing of individual Participants, as well as improve the quality of supports.

The Incident Register must be reviewed at quarterly Board meetings. The chief Executive Officer is responsible for monitoring the Incident Register in order to analyse and report on incident trends.

Reviews should consider:

- the causes, handling and outcomes of incidents
- processes, timeframes and record keeping practices associated with incident management
- feedback provided by workplace participants and Participants about incidents

Where preventative or improvement measures are identified, these must be tracked in the Continuous Improvement Register.

Ongoing Support

After a serious and traumatic incident, it is likely that high levels of stress will be experienced by those connected with the incident.

General arrangements to support Participants may include allocating a safe place for retreat and communicating with and supporting them and their families.

It may also be appropriate to undertake a Quality of Support review. Agreed actions for the Participant's immediate and ongoing needs should be recorded on the Participant's Support Plan. These might include:

- Steps being taken to assure the Participant's safety and wellbeing in the future
- Treatment or counselling the Participant and their family may access to address their safety and wellbeing
- Modifications in the way services are provided (for example, same gender carer)
- How best to support the Participant and their family through any action the Participant takes to seek justice or redress, including making a report to police
- Any ongoing risk management strategy required

Participants have a right to complain about DS NSW's services and should be alerted to DS NSW Managing External Feedback and Complaints Policy and Procedure.

General arrangements to support workplace participants may include allocating a safe place for retreat, giving workplace participants the option of being immediately and temporarily relieved of their duties, providing communication with families and offering to organise transport home.

Sexual Abuse

Irrespective of gender, victims of sexual assault frequently experience negative outcomes including dissociation, posttraumatic stress disorder, depression and anxiety. Victims of physical assault also frequently experience shock, numbness, fear, depression and anxiety. In recognition of this, after an

allegation of abuse, additional support and/or a review of supports provided to the Participant may be required.

Indicators of Abuse

Indicators of abuse include but are not limited to:

- A Participant alleges that abuse has occurred, by a workplace participant, another Participant, or other person
- A workplace participant observes or is told about alleged abuse
- A workplace participant suspects that abuse has occurred (for example, a Participant may have unexplained injuries, a Participant may be distressed or anxious, or clothes may have been ripped)
- A Participant's behaviour changes significantly (this might include self-destructive behaviour, sleep disturbances, acting-out behaviour, emotional distress, or persistent and inappropriate sexual behaviour)
- A Participant complains of physical symptoms or a workplace participant observes symptoms (this might include bruising, abdominal pain, sexually transmitted disease or pregnancy)

Responding to Allegations of Sexual Abuse

Suspicious and allegations of abuse should always be treated seriously. The person's feelings about themselves may be influenced by initial reactions to their suspicion and/or allegation.

If abuse is disclosed, or a workplace participant is suspicious of abuse, or becomes aware of abuse, a helpful response may include:

- Ensuring their immediate safety, health and wellbeing needs are met
- Ensuring their specific support needs are addressed including access to communication aides and resources
- Listening carefully to them, and believing their story
- Reassuring them they did the right thing by telling someone
- Asking them what can be done to make them feel safe and explaining the actions you will take next
- With their consent, or if they are a child, engaging family, significant others or an advocate to support them and advocate on their behalf (noting mandatory reporting requirements, Participant privacy and safety)
- With their consent, notifying other service providers working with them, if appropriate, such as the police (see below)

Interpreting

For Participants who are from culturally and linguistically diverse or Aboriginal and Torres Strait Islander communities, workplace participants should consider referring them to specialist agencies or workplace participants for additional support. It may also be necessary to arrange an interpreter. Interpreters of the same sex as the Participant should be engaged wherever possible.

Some victims may be reluctant to speak to an interpreter because they fear that what they say may be passed on to their local community. In this case, it is possible to request a telephone interpreter from another state, or to not disclose the victim's name to the interpreter.

When using an interpreter directly, consideration should be given to arranging an interpreter who is not associated with the Participant or their immediate cultural community.

Specialist Support

To ensure Participants receive appropriate support, workplace participants should consider contacting specialist victim support services including crisis care, counselling, advocacy, legal and advice services.

[NSW Health Sexual Assault Services - Sexual assault](#)

1800RESPECT is the national sexual assault, domestic and family violence counselling service. It can be contacted by phone on 1800 737 732

Dealing with the Police

While it is acknowledged that some discussion with the Participant may be required to establish safety and a basic understanding of what has occurred, under no circumstances should anyone but the police interview the Participant about an allegation of abuse.

Advising Parties Involved of Police Report

The workplace participant who first becomes aware of an allegation must advise the person that the allegation will be reported to the police.

Workplace participants should check with police whether the alleged perpetrator should be told of the report to police. It is important that any steps taken do not undermine police action.

Assisting the Police

The police should be assisted to conduct their investigation. Where an investigation requires the police to take photographs of any physical injuries, workplace participants may need to explain this to the victim.

Workplace participants must make all reasonable efforts to preserve evidence of sexual assault. This includes:

- encouraging the victim not to shower or change, or, if the victim feels they must shower or change, ask them to put the clothing they were wearing at the time of the assault in bags, which should be sealed, labelled and secured
- where possible, lock the door to the room or restrict access to the area where the assault occurred so any physical evidence inside that area remains undisturbed

It is not necessary for a victim to decide immediately about whether to be involved in a police investigation and/or prosecution. People may be distraught in the immediate aftermath of an assault and sometimes change their minds later. Some evidence, however, will only be present in the immediate period following assault. Forensic evidence collected at this time will assist police investigation, should the victim wish to proceed at a later stage.

Monitoring and Review

This Policy and Procedure will be reviewed at least annually by the Board. Reviews will incorporate workplace participants, Participant and other stakeholder feedback.

DS NSW feedback collection mechanisms, such as Participant satisfaction surveys, will assess:

- Participant awareness of their rights and the extent to which they feel able and supported to exercise them;
- Participant satisfaction with DS NSW complaints processes; and
- the extent to which Participants feel safe and protected in their dealings with DS NSW.

DS NSW Continuous Improvement Register will be used to record improvements identified and monitor the progress of their implementation. Where relevant, this information will be considered as part of DS NSW service planning and delivery processes.

Variation

DS NSW reserves the right to vary, replace or terminate this policy. Workplace participants will be informed by e-mail of revisions to this Policy as they arise and the date from which these changes will take effect.

Associated Documents

- DS NSW Code of Conduct
- DS NSW Discrimination, Bullying and Harassment Policy and Procedure
- National Disability Insurance Scheme Act 2013
- National Disability Insurance Scheme (Provider Registration and Practice Standards) Rules 2018
- Crimes Act 1958
- Family Law Act 1975 (Cth)
- Australian Human Rights Commission Act 1986 (Cth)
- Disability Discrimination Act 1992 (Cth)
- Racial Discrimination Act 1975 (Cth)
- Sex Discrimination Act 1984 (Cth)
- Age Discrimination Act 2004 (Cth)
- Privacy Act 1988 (Cth)
- Children and Young Persons (care and Protection) Act 1998
- DS NSW Form: Incident Report Participant
- DS NSW Incident Register
- DS NSW Client Rights and Responsibilities Policy and Procedure (under development)
- DS NSW Human Resources Policy and Procedures
- DS NSW Records and Information Management Policy and Procedure
- DS NSW Managing External Feedback and Complaints Policy and Procedure
- NDIS Commission Reportable Incident – Immediate Notification Form – NDIS Portal
- NDIS Commission Reportable Incident – 5 Day Notification Form - NDIS Portal

Definitions

Term	Definition
Abuse	<p>Verbal, physical and/or emotional mistreatment and/or lack of care of a person. Abuse can include bullying, child abuse, physical abuse, sexual abuse, emotional and psychological abuse, racial, cultural and religious abuse and domestic violence.</p> <p><i>Financial abuse</i> - any act which involves misusing the money or property of a person with disability without their full knowledge and consent. This includes theft of money, pension cheques or property as well as misuse of a power of attorney.</p>
Belief on reasonable grounds (children)	Where a person believes on reasonable grounds that a child has suffered, or is likely to suffer, significant harm as a result of physical injury or sexual abuse, and the child's parents have not protected, or are unlikely to protect, the child from harm of that type.
Incident	<p>An act, omission, event or circumstance that has, or could have, caused harm to a person with disability receiving supports or services</p> <p>An act by a person with disability that happened in connection with the provision of supports or services and that caused serious harm, or a risk of serious harm, to another person; or</p> <p>A reportable incident that is alleged to have occurred in connection with the provision of supports or services.</p>
Mandated notifiers	<p>Registered medical practitioners, nurses, midwives, teachers, early childhood teachers, principals and police officers, disability support workers must report their belief that a child is in need of protection where the belief is formed in the course of their employment. The person must report as soon as practicable after forming the belief and after each occasion they become aware of any further reasonable grounds for the belief.</p> <p>Any adult must report if they have a reasonable belief that a sexual offence has been committed in NSW against a child under the age of 16 years by another person of or over the age of 18 years. They must disclose the information to a police officer as soon as it is practicable to do so unless the person has a reasonable excuse for not doing so. Failure to disclose the information to police is a criminal offence.</p>
Mandatory reporting	The legal obligation of certain professionals and community members to report suspected cases of child abuse and neglect to government authorities.
Neglect	The failure to provide a person with the basic necessities of life, such as food, clothing, shelter, medical attention or supervision, to the extent that their health and development is, or is likely to be, significantly harmed.

Negligence	Doing, or failing to do, something that a reasonable person would, or would not do in a certain situation, and which causes another person damage, injury or loss as a result.
Offender or Perpetrator	A person who mistreats and/or harms another person.
Procedural fairness	A principal that requires a fair and proper procedure be used when making a decision.
Reportable Incident	<p>Incidents or alleged incidents that involve:</p> <ul style="list-style-type: none"> • 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 for sexual activity • the use of a restrictive practice in relation to a person with disability, other than where the use is in accordance with an authorisation of a State or Territory in relation to the person.
Restrictive practice	Any practice or intervention that has the effect of restricting the rights or freedom of movement of a person with disability.

Document Control

Policy review every: 3 years

Version	Date Commenced	Policy Owner	Change Description	Review Date	Policy Approver
V1.0		CSO	New Policy		CEO
V2.0	April 2023	CSO	Policy Review	April 2026	CEO
V3.0	June 2023	COO	Policy Review	June 2026	COO