

SAFEGUARDING POLICY



SAFE01 Client Incident Management Policy

1. PURPOSE

This Policy outlines BSA Services and Advisory Limited (BSA) implementation of a robust incident management system relating to Client incidents that may occur during supports or services and ensures BSA takes all reasonable steps to prevent, respond, record, manage and resolve Client related incidents.

2. SCOPE

This Policy covers all Client Incidents raised by, or on behalf of Clients as they relate to BSA Client Service Delivery including:

- Supported Employment Services
- Supported Independent Living Services
- Day Options Services
- Community Access & Lifestyle Services
- Service billing
- Liaison/co-ordination with external support providers
- Compliance with NDIS Quality and Safeguarding requirements
- Compliance with Privacy Law

Except:

- Incidents involving Staff only or external Contractors (refer to WHS Incident Management Policy and Procedure)

This Policy is to be read in conjunction with:

- Client Incident Management Procedure [SAFE01.1]
- Critical Incident Policy [SAFE03] and Procedure [SAFE03.1]
- Safeguarding Team Reportable Incidents Guidelines

3. POLICY

BSA is required to ensure the human rights of their Clients are safeguarded and have supports or services provided by BSA in a safe environment to ensure Clients can live a life of dignity, free from abuse, neglect and exploitation whilst exercising choice and control to pursue their goals.

BSA has implemented a robust Client Incident Management System that will ensure:

- BSA takes all reasonable steps to prevent Client incidents occurring
- BSA has procedures implemented that identify, assess, record, manage and resolve any Client incidents that do occur
- All incidents (not just deemed NDIS Reportable Incidents) are recorded and responded to appropriately and steps are taken to mitigate ongoing risk and prevent such incidents occurring again
- Critical or serious incidents are quickly managed to minimise ongoing risk or harm to Clients and other persons, and BSA Executive and Board are informed

- BSA Clients are provided with appropriate support and guidance when incidents arise
- Clients (and/or their Advocates) are informed of BSA's Client Incident Management Systems and supported by Staff to notify any incidents
- NDIS Reportable Incidents including:
 - the death of a Client;
 - serious injury of a Client;
 - abuse or neglect of a Client;
 - unlawful sexual or physical contact with, or assault of, a Client;
 - sexual misconduct committed against, or in the presence of, a Client, including grooming of the person for sexual activity;
 - the use of an unauthorised regulated restrictive practice in relation to a Client;
 - concerns regarding Client behaviours; and/or
 - disclosures of any of the above

are reported in line with BSA's legislative obligations pursuant to *National Disability Insurance Scheme (NDIS) Act 2013*, NDIS Code of Conduct, NDIS Practice Standards and NDIS Incident Management and Reportable Incidents Rules

- Notification of incidents (regardless of if also reported to the NDIS Commission) are reported to other relevant external regulators such as Police, Aged Care Commission - Serious Incident Response Scheme (SIRS), Adult Safeguarding Unit, SafeWork SA and similar, in line with mandatory notification requirements
- All incidents are investigated in a timely manner and managed based on the principles of natural justice and procedural fairness and Clients are appropriately informed of the outcomes
- BSA are effectively recording, reporting and monitoring incidents to identify patterns of conduct or circumstances and take appropriate measures to mitigate the risk of repeated incidents and to drive continuous improvement
- Privacy and Confidentiality is maintained in relation to all Client incidents unless legal obligations override the Client's right to have information kept confidential
- Legal advice is sought if necessary to ensure legal professional privilege is triggered
- The Client Incident Management System is reviewed annually, as part of Risk and Compliance internal auditing processes or when changes occur with BSA's IT systems
- De-identified data on Client incidents is reported to the BSA Executive, Service Governance Committee and Board on a regular basis

BSA will ensure that Clients are well informed of BSA's Client Incident Management System through regular communication and documentation including but not limited to Service Agreements, Client Handbooks, yearly reviews, displaying visual material such as posters and discussions at Client Engagement Meetings and by ensuring all Staff Members are adequately trained in BSA's Client Incident Management Procedures.

4. DEFINITIONS

Advocate/Support Person – a person that can assist a Client in reporting an incident and support them during the incident investigation process

Aged Care Quality and Safety Commission – Serious Incident Response Scheme (SIRS) - The SIRS is an initiative that helps prevent and reduce incidents of abuse and neglect in residential aged care services subsidised by the Australian Government. It commenced in April 2021

BSA Client/Client - a person with disability receiving a BSA Service. This can include supported employees, supported students, residents, and persons accessing Day Options and/or Community Access & Lifestyle Services from BSA.

BSA Service - any disability support service provided by BSA to a BSA Client and the BSA Business Unit that provides this service.

Client Incident - is any actual or alleged act or failure to act by another, or actual or alleged circumstances that have, or could have, caused harm to a person with disability receiving BSA Supports/Services

Client Critical Incident – an event, situation, or allegation involving serious actual or potential harm, abuse, neglect, or exploitation of a BSA NDIS Participant that necessitates immediate attention, intervention, and investigation

Harm - is the actual or potential impact of the Client Incident on a person with disability and can include physical injury, emotional distress, a psychological condition or a combination thereof.

NDIS – National Disability Insurance Scheme.

NDIS Quality and Safeguards Commission – external regulator for registered NDIS providers

NDIS Code of Conduct - The NDIS Code of Conduct promotes safe and ethical service delivery by setting out expectations for the conduct of both NDIS providers and workers

Regulated Restrictive Practices - practices including seclusion, chemical restraint, mechanical restraint, physical restraint and environmental restraint that have the effect of restricting the rights or freedom of movement of a person with disability.

Serious Injury - an injury sustained by a Client during or in connection with BSA NDIS funded services resulting in extensive bruising, fracture(s), deep cuts, burns, head or brain injury or other injury requiring admission to hospital for emergency and/or ongoing medical treatment.

Service Agreement – is a written agreement between a registered NDIS Provider and a person with disability that outlines the disability supports/services to be provided and the payment for the supports/services.

Staff – any person engaged by BSA to provide services or support the provision of such services; whether they be paid or unpaid workers; including members of the Board and its sub-committees, volunteers, relief staff, or labour hire workers. This also includes adult mainstream student placements, or people attending a BSA site to support Clients, but who are not employed by BSA.

Unlawful Conduct - includes conduct that breaches the South Australian Criminal Law, such as: assault causing harm, rape, sexual assault, including grooming, stalking or predatory behaviours

5. ASSOCIATED FORMS, POLICIES & PROCEDURES

Choice and Advocacy Policy

Client Incident Management Procedure

Privacy, Dignity, Confidentiality and Data Integrity Policy and Procedure

BSA Easy Read Client Incident Management Procedure

Client Incident Management Poster

6. RELEVANT LEGISLATION AND RESOURCE MATERIAL

National Disability Insurance Scheme Act 2013

National Disability Insurance Scheme (Incident Management) Rules 2018

National Disability Insurance Scheme (Code of Conduct) Rules 2018

National Disability Insurance Scheme (Provider Registration & Practice Standards) Rules 2018

NDIS Quality & Safeguards Commission Practice Reviews – a Framework for NDIS Providers
December 2020

Privacy Act 1981