**Incident Management Reporting Guidance for Early Childhood Intervention Services funded by the Department of Education and Training**

1. **Scope**

This document specifically focuses on incident management processes for Department of Education and Training (the Department) funded Early Childhood Intervention Services (ECIS).

Under the working arrangements for transition to the full National Disability Insurance Scheme (NDIS), Victorian quality and safeguards will apply. Accordingly, registered providers of Early Childhood Supports under the NDIS who have *Victorian Approved NDIS Provider* status are required to follow the incident management guidance processes in this document.

This document does not apply to services that are monitored and regulated by the Department’s Quality Assessment and Regulation division (QARD).

1. **Purpose**

The purpose of this document is to:

* Support timely and effective responses to address immediate ECIS client safety and wellbeing
* Provide processes for addressing incidents at funded ECIS, including where services are delivered in the child’s home or other community settings
* Provide governance that clearly outlines responsibilities for all involved parties in incident management
* Facilitate learning from incidents and near-misses to mitigate future risks
* Ensure consistency in approaches to incident management across the Department regions
* Ensure that ECIS Organisations are aware of their reporting obligations under the Service Agreement and are accountable for following incident management procedures
* Provide a pathway to inform the relevant Minister and the Department of significant incidents affecting clients in a timely and accurate manner.

1. **Why Report?**

The reason for reporting incidents is to manage harm and risk, learn from any incidents and, if possible, prevent their recurrence. Reporting enables service providers to detect problems and situations that could have been avoided and make the changes to reduce the likelihood of the incident or a similar incident occurring in the future.

1. **Incident Categories**

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| **Incident Category** | |
| **Category 1** | **Category 2** |
| Client Death | Serious governance issues |
| Serious client injury/trauma/illness | Service breaches compliance policies |
| Serious physical hazards at a service location | Severe financial mismanagement (e.g. fraud) |
| Allegations of sexual and/or physical client assault | Loss of files, personal client data etc. |
| Child escaped/missing from service | Evacuation due to emergency |
| Child locked in/out of service |  |
| Inappropriate staff qualifications |  |
| Any incident where emergency services was sought (or should have been sought) |  |
| Child taken/removed from services in an unauthorised manner |  |

For further details regarding categorisation of incidents please see section 10. Definitions.

1. **Notification Timelines**

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| --- | --- |
| **Timeframe for Incident Report** | |
| **Category 1** | **Category 2** |
| Category 1 incident reports must be sent to the Department designated divisional office as soon as possible and at the latest within one working day of the incident or within one working day from first being told of the incident. | Category 2 incident reports must be sent to the Department designated divisional office as soon as possible and at the latest within two working days of the incident or within two working days from first being told of the incident. |

1. **Incident reporting Roles and responsibilities**

All early childhood intervention services delivered or funded by the Department are required to report critical incidents involving or impacting on clients that occur at the service or during service delivery. Incidents that relate to ECIS organisations are to be reported to the Department using the ECIS Incident Report form (<http://www.education.vic.gov.au/childhood/providers/needs/Pages/aboutecis.aspx> ).

***Funded Organisations***

* Have an incidents management policy and process
* Ensure staff members are aware and follow the policy and process
* Maintain a register of incidents and actions taken
* Escalate incidents that compromise the health, safety and wellbeing of children and families to the Department

***Departmental Regions***

* Provide a point of contact, advice and support to Funded Organisations who are managing incidents
* Complete a Situation report and progress report to management where required
* Liaise with relevant program areas across the Department as required
* Escalate Situation report to the appropriate Departmental areas and/or Minister’s Office as required
* Review incident data including examination of the root cause of the incident
* Review and analyse regional incident aggregate information over time to identify lessons or practice implications
* Undertake compliance checks to assess ongoing implementation of incident management and reporting guidance

***Central Office***

* Provide support and advice to Regional staff
* Provide escalation when appropriate to executive staff and/or Minister’s Office
* Liaise with NDIS in relation to incidents that may lead to loss of *Victorian Approved NDIS Provider* status
* Liaise with the regions regarding the setting and improving of incident reporting management approaches and developing associated tools, documents and processes
* Collation of state wide incident reporting data

1. **Incident management process**

***Funded Organisation role***

Incidents should be attempted to be resolved at the service level.

If there is an immediate threat to children, employees and/or families, the incident must be treated urgently in order to mitigate harm and risk to others.

Once client and staff safety is achieved an incident management report must be completed. The report must include immediate actions that have been taken and planned follow-up actions.

The most senior witness to the incident or the staff member to whom the incident was reported should provide the initial information as to the nature of the incident in the Incident Report. The service manager or delegated representative should record the responses and actions taken, and sign the report.

All category 1 and 2 incidents must be reported to the Department via the designated Early Childhood Performance and Planning Advisor (EC PAPA) in accordance with the set timelines. (see 5. Notification Timelines).

***The process for funded organisations to report incidents to the Department***

The delegated management representative of the organisation should contact the Early Childhood Performance and Planning Advisor (EC PAPA) by phone in the first instance to advise of the incident. Where the EC PAPA is not able to be contacted directly by telephone, the organisation must contact the relevant DET Area Service Support Manager by telephone to advise of the incident.

Where required the organisation should send the completed Incident Report to the EC PAPA via email using a password-protected document.

There are risks to sending confidential information by email and it is important that the Incident Report document is password protected and the password is sent via a separate email.

For DET Regional contacts: <http://www.education.vic.gov.au/about/contact/Pages/regions.aspx>

***Regional department role***

If an incident is escalated, the EC PAPA will assist the organisation to determine whether or not the incident should be reported through the Department’s Quality and Regulation Division (QARD) or Emergency Services. If so, the EC PAPA will refer the incident to the relevant staff/reporting processes within those areas.

If the incident is related to a service managed by a Service Agreement or the service is a *Victorian Approved NDIS Provider of early childhood supports*, the EC PAPA will ask the ECIS Organisation to complete an Incident Report form. The EC PAPA will then use the information from this form to complete a Situation Report.

The Situation Report will be used by the EC PAPA and the Area Service Support Branch Manager to assess the risk level of the incident. Consultation with other relevant Department areas will be initiated at this point if necessary.

The incident report and the situation report will then be escalated through the appropriate reporting lines for approval and action. Monitoring and an out-of-cycle Desktop Review will be initiated for the ECIS organisation, where appropriate.

From here, an action plan is identified with the organisation and follow-up monitoring will be conducted by the EC PAPA with the organisation, to ensure planned actions have been implemented. The incident and ensuing actions will be recorded by the region.

Where an organisation fails to address incidents appropriately or the Department has concerns regarding the organisation’s management of client safety, harm prevention and risk management, the Department will advise the organisation in writing. If the situation is not resolved, the Department may take steps to withdraw the organisation’s *Victorian Approved NDIS Provider* status*.*

1. **Procedural flow chart**

The procedure flow chart below outlines the steps involved in reporting an incident to the Department.

**Reporting a client Incident**

Incident Occurs

The regional contact will advise the organisation whether the incident should be reported through the ECIS process or other format (e.g. QARD on-line reporting)

Respond to the immediate needs of the individual involved

If the incident is a Category 1 or 2 the organisation must call the regional departmental EC PAPA. If the EC PAPA is not available the area Services Support Manager is the alternative contact

Client incident report is recorded on organisation’s incident register. The report is placed in the client file (where relevant)

The delegated management representative documents the incident and completes the relevant DET Incident Report Form if the incident is a category 1 or 2

The completed Department of Education and Training Incident report is emailed to the designated divisional EC PAPA using a password protected document

1. **An Incidents Register**

Funded organisations are required to keep a register of incidents that records all incidents that have occurred in relation to the funded organisation. The incident register details the nature of the incident, actions taken and outcomes.

1. **Definitions**

Category One Incident: a serious incident that must be reported to the Department Regional contact Early Childhood Program and Performance Advisor (EC PAPA) (or the area Services Support Manager if EC PAPA not able to be advised directly) as soon as possible, within one business day. The following are category one incidents:

* The death of a child while receiving a - service
* The death of a child resulting from an incident while receiving a service
* Any incident involving serious injury or trauma to, or serious illness of, a child while receiving a service:
  + which a reasonable person would consider required urgent medical attention from a registered medical practitioner; or
  + for which the child attended, or ought reasonably to have attended, a hospital;
* Any incident where the attendance of emergency services at the service premises was sought, or ought reasonably to have been sought;
* Any circumstance where a child receiving a service:
  + appears to be missing or cannot be accounted for; or
  + appears to have been taken or removed from the service premises in a manner against the parent/carer wishes; or
  + is mistakenly locked in or locked out of the service premises or any part of the premises.

*Category Two Incident*: any incident that threatens the health, safety or wellbeing of service users or staff, but which is not a category one incident. Category two incidents must be reported to the regional contact as soon as possible, **within two business days**. The following are category two incidents:

* Serious organisational governance issues
* Service breaches compliance policies
* Severe financial mismanagement (e.g. fraud)
* Loss of client files, release of personal client data etc.
* Evacuation due to emergency

1. **Child Sexual Abuse**

Departmental staff and all staff associated with organisations funded by the departments should be aware of, and comply with relevant legislation, standards, screening and program requirements, and policies on preventing, reporting and responding to child sexual abuse.

1. *Failure to disclose child sexual offence committed against a child under the age of 16 years*

Source: s 327, Crimes Act 1958 (Vic)

* A person of or over the age of 18 years (whether in Victoria or elsewhere) who has information that leads the person to form a reasonable belief that sexual offence has been committed in Victoria against a child under the age of 16 years by another person of or over the age of 18 years must disclose that 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.
* A reasonable excuse may include fearing on reasonable grounds for a person’s safety should they disclose it to police or a belief that the information has already been disclosed to police.

1. *Failure by person in authority to protect child from sexual offence*

Source: s 49C, Crimes Act 1958 (Vic)

* A person who-

1. By reason of the position he or she occupies within a relevant organisation, has the power or responsibility to reduce or remove a substantial risk that a relevant child will become the victim of a sexual offence committed by a person of or over the age of 18 years who is associated with the relevant organisation; and
2. Knows that there is a substantial risk that that person will commit a sexual offence against a relevant child –

…must not negligently fail to reduce or remove that risk.

1. *Grooming for sexual conduct with child under the age of 16 years*

Source: s 49B, Crimes Act 1958 (Vic)

* A person of or over the age of 18 years must not communicate, by words or conduct, with a child under the age of 16 years or a person under whose care, supervision or authority the child is (whether or not a response is made to the communication) with the intention of facilitating the child’s engagement in or involvement in a sexual offence with that person or another person who is of or over the age of 18 years.

Further information about the offence is available on the Department of Justice & Regulation website at: <http://www.justice.vic.gov.au/home/safer+communities/protecting+children+and+families/failure+to+protect+offence>. Alternatively you can contact [childsafestandards@dhhs.vic.gov.au](mailto:childsafestandards@dhhs.vic.gov.au).

1. **Reflecting on a critical incident**

Reflecting on an incident following its resolution, assists an organisation to understand why the incident happened, the way it was managed, the outcome for the clients and, where possible, prevent similar incidents occurring in the future. The following information can support organisations to reflect on their incident management.

<http://www.education.vic.gov.au/Documents/childhood/professionals/support/reffram.pdf>