

Disability Services Commission

Serious Incident Reporting Guidelines

1. Keywords

Consumer, serious incident, Consumer Liaison Service, people with disability, carer, disability sector organisation, Commission-provided service, notifiable incident.

2. Guideline Statement

This guideline aims to assist and support Disability Sector Organisations (DSOs) and Commission-provided services in meeting their responsibilities to report serious and notifiable incidents.

Whenever an event or set of circumstances arise that require reporting, the Chief Executive Officer of the funded service or Executive Director, Commission-provided service must ensure that the matter is reported to the Commission via the online Serious Incident Reporting (SIR) System. These guidelines define what a serious incident is and why it must be recorded and reported. The guidelines also provide an introduction to serious incident reporting, when to complete a serious incident report, what to do in the event of a serious incident. Refer to the Commission's Form Initiator / Form Approver User Manual on how to access the system and submit an SIR.

The SIR guidelines were updated June 2016.

3. Definitions

Abuse: refers to any action that intentionally harms or injures another person. Abuse also encompasses inappropriate use of any substance, especially those that alter consciousness (e.g., alcohol, cocaine, methamphetamines).

Alleged Perpetrator: refers to a person who is thought to have committed an act against a person with disability, or who is responsible for the event occurring.

Consumer Liaison Officer: refers to the officer within the Commission responsible for reviewing and processing SIR Forms received from the FA through to completion.

CLO Service: refers to the officer responsible for reviewing SIR forms that have been reassigned by the CLO. The CLO Service is a support role to the CLO. Any SIR forms the CLO service reviews will be submitted back to the CLO to continue in the workflow process.

DG Delegate: refers to the delegated officer within the Commission who is responsible for reviewing and approving all SIR forms submitted from both DSOs and Commission-provided services.

Directorate Key Contact: refers to the officer within the Commission responsible for coordinating responses to any follow-up requests that have been sent by the CLO or CLO Service. Any follow-up requests that are sent may require further discussion with DSOs or the Commission service area. Where follow up is required by DSOs, the Service Contracting and Development Officer (SCDO) would be asked to make contact with the relevant organisation to seek further information.

Emotional Abuse: refers to non-physical behaviors such as threats, insults, can include constant monitoring, contact or “checking in,” excessive texting, humiliation, intimidation, isolation, ‘withholding’ behaviours or stalking.

Financial Abuse: refers to illegal or improper exploitation or use of funds or other resources of the person. Can include controlling what a person with disability can or cannot buy or requiring that they share control of their bank accounts.

Form Approver (known as FA): refers to appointed users at an organisation or the Commission who are responsible for reviewing SIRs before they are sent on to the Commission’s CLO. By default, for new Organisations, the CEO will be defined as a Form Approver. Additional Form Approvers can be added or removed by an existing Form Approver.

Form Initiator (known as FI): refers to any user who has access to DSC-SO: such people will also have access to SIR as a Form Initiator. This will allow the user to create a new SIR and submit it to their organisation’s Form Approver/s for verification before being approved for processing by the Commission. A Form Initiator will only be able to view SIRs they have personally created.

Physical Abuse: refers to the infliction of injury or other physical impact by another person and applies to both children and adults. The injuries can be inflicted by punching, kicking, biting, burning, beating, or use of a weapon.

Psychological Abuse: refers to behaviour that intimidates a person, resulting in them living in a state of fear, anxiety or apprehension. It includes threatening the person with violence, harassing them (e.g., at school or work), denying the person access to others (e.g., refusing to allow the person to see friends, preventing use of the telephone), confining the person to home, or destroying the person’s property.

Serious Incident: A serious incident means one or more of the following:

- a) the death of a person with a disability;
- b) serious physical injury or psychological harm suffered by a person with disability;
- c) abuse including physical, emotional, sexual, psychological, financial and neglect of a person with disability;
- d) the person is judged as posing a serious risk to the health, safety or welfare of themselves or others;

- e) exploitation or unjustified restrictive practices¹ used with a person with disability; and
- f) an assault on staff or a visitor to the service by a person with disability.

Neglect: is a passive form of abuse in which a perpetrator is responsible to provide care for a person who is unable to care for himself or herself, but fails to provide adequate care. Neglect may include the failure to provide sufficient supervision, nourishment, or medical care, or the failure to fulfill other needs for which the person cannot provide themselves.

Notifiable Incident: means any of the following:

- (a) the occurrence of a Serious Incident;
- (b) where a Service User causes or contributes to injury, illness or death of any person, or poses a serious risk to the health, safety or welfare of any person;
- (c) any referral of any matter or complaint regarding any Service User, the Services or the Service Provider generally, to any regulatory or investigative body;
- (d) the charging of the Service Provider or an Associate with a criminal offence involving a sexual offence, dishonesty or breach of trust or which otherwise may result in imprisonment of that person;
- (e) serious verbal or written complaints received in relation to the Service or in relation to the Service Provider generally; and
- (f) the occurrence of any event which may cause adverse publicity including but not limited to if the Service Provider is contacted by the media for comment on any aspect of the Services or involving a Service User.

Sexual Abuse: refers to any act of a sexual nature performed that a person has not consented to, or that are performed in a criminal manner, as with a child or with a non-consenting adult. This includes rape, incest, oral copulation, and penetration of genital or anal opening with a foreign object. The term also includes any sexual act that could be expected to trouble or offend another person when done by someone motivated by sexual interest, including indecent exposure and acts related to sexual exploitation, such as those related to pornography, prostitution involving minors, or coercion of minors to perform obscene acts.

Serious Illness: refers to conditions that require immediate care to relieve suffering and minimise morbidity and mortality risk. Serious illnesses can include conditions involving the cardiovascular, respiratory, gastrointestinal, musculoskeletal, neurological, the immune system and dermatological and metabolic systems.

Unjustified restrictive practice: refers to practices that have not met the requirements of the Code of Practice. Please note an unjustified restrictive practice only needs to be reported if it falls within the definition of a 'serious' or 'notifiable' incident.

¹ Unjustified restrictive practices which have not been approved as part of a behaviour support plan review process

4. Background

The Disability Services Act 1993 section 25 (4) requires disability sector organisations (funded services) and services provided by the Disability Services Commission to report any death, significant serious physical injury or psychological harm, an assault (including sexual abuse); or neglect of a person with disability in their care. The intent of the legislation is to safeguard people with disability, make disability service providers and Commission staff more accountable and ensure sound practices are in place to reduce the occurrence of such incidents.

Under the Delivering Community Services in Partnership General Provisions for the Purchase of Community Services by Public Authorities Agreement, DSOs are required to report notifiable incidents in addition to serious incidents.

When a 'notifiable incident' occurs that does not fall within the definition of serious incident, reports are still to be made via the Commission's online SIR System using 'other notifiable incident' as the incident category.

5. Implementation

This guideline will be implemented across all Commission-provided services, including those provided by the Local Operations, Sector Engagement and Development – Services directorates and the Disability Justice Service, Office of the Director General.

Executive Directors are responsible for ensuring these guidelines are observed in their directorates and that all staff members are aware of the process to be followed.

All DSOs that have a service agreement (or other contract, including a grant) with the Commission, and are funded to provide disability services are required to report serious and notifiable incidents in accordance with these guidelines.

6. Funding or Resource Implications

There are no additional resource implications attached to the implementation of this guideline.

7. Related Legislation, Policies and Guidelines

- Disability Services Act 1993,
- Policy and Operational Procedures for Managing Suspected Breaches of Discipline,
- Consumer Complaints and Concerns Management Policy and Procedure,
- People at Risk Policy, and
- People at Risk Operational Guidelines
- Policy for managing allegations of ill-treatment or neglect of a person with disability
- Operational procedure for managing allegations of ill-treatment or neglect of a person with disability

8. Communication

This guideline will be used by both disability sector organisations and Commission-provided services, and is available on the Commission's intranet and internet websites.

9. Training & Resources

Supported by the ODG as required, Service Contracting and Development Officers within the Commission's Sector Engagement and Development directorate will be responsible for ensuring that DSOs are aware of their responsibilities regarding serious incident reporting.

The Commission has developed a number of resources to assist DSOs and Commission-provided services on how to use and understand the new electronic SIR system. The Commission encourages all users of the system to have the Form Initiator / Form Approver User Manual with them when accessing the system for the first time.

DSOs can access the SIR Training and Resources from the Commission's website <http://www.disability.wa.gov.au/>, scroll to the 'Useful Links' section of the homepage, click on the link that reads 'SIR Training and Resources'.

Click on the following link to access these resources: [SIR Training and Resources](#)

Commission staff can access the SIR Training and Resources from the Commission's Intranet Homepage. Click on the link that reads 'SIR Training and Resources' on the left hand side of the page.

Click on the following link to access these resources: [SIR Training and Resources](#)

The Consumer Liaison Officer will also provide training and awareness to Commission service areas and disability sector organisations as required.

10. Evaluation and Review

This guideline is evaluated according to the standard Director General Policy review mechanism. This guideline replaces Guidelines on completing the Serious Incident Report Form, July 2015.

11. Serious Incident Reporting Procedure

11.1 Reporting responsibility

The responsibility for reporting all serious incidents rests with the DSO or Commission-provided service that is providing services to the individual. This applies to incidents that occur when the individual is outside the receipt of a service as well as those that occur when in service.

A SIR should be completed for each individual with disability even if several individuals are involved in one serious incident. If one individual is involved in several incidents each incident must be reported separately. Refer to the Commission's Form Initiator / Form Approver User Manual for guidance on lodging a SIR. The user manual will explain how you can copy from an existing SIR to create SIRs for other individuals involved in the same incident.

11.2 Overview of the SIR Submission Process

When a SIR form has been created by a Form Initiator (FI) this will be sent to the Form Approver (FA) to review and approve. If there is insufficient information on the SIR Form, the FA can return this to the FI and request additional information to be included and resubmitted.

Once the FA has reviewed and approved the form, it is submitted to the CLO at the Commission. The CLO is responsible for reviewing all SIRs received. Where further information is required, this will be requested from the relevant Directorate Key Contact in the Commission. Where follow up is requested from a DSO, contact will occur through the organisation's SCDO. The CLO also has the option to reassign SIRs to the CLO Service – to provide assistance in reviewing forms. If the SIR has incorrect or insufficient information on the form, the CLO/CLO service can return the SIR to the FA to have the form updated and resubmitted.

When the CLO has reviewed SIRs and obtained additional information where required, the form is submitted to the Commission DG Delegate to review and approve. The DG delegate can return SIRs back to the CLO if they determine further follow-up is required. Once a form is approved by the DG Delegate, the CLO is notified. The CLO will then arrange for the SIR to be closed and filed. The FA/FI will also receive a notification to confirm that the SIR has been approved and closed.

All FI/FAs will be able to run a PDF report on any SIR they create. This will be available from the FI/FA Dashboard. Refer to the Commission's Form Initiator / Form Approver User Manual for guidance of how to run this report.

11.3 Disability sector organisations

When a serious incident has occurred as defined in this guideline, DSOs must ensure the matter is reported to the Commission via the online Serious Incident Reporting System. When a DSO becomes aware of a serious incident, the organisation must ensure their employees are aware of the processes to follow when such incidents occur. It is the DSO's responsibility to respond to and manage the incident. This could include investigation, provision of support, evaluation of practices, or involvement of other parties such as the police. Lodging a Serious Incident report does not transfer the responsibility to the Commission to investigate or take over management of the incident.

DSOs are expected to complete Parts 1 to 4 of the online SIR form only.

The FA must review and approve SIR forms via the Commission's SIR System. The FA has the ability to make amendments directly to the SIR or they can reject this back to the FI to have any associated changes made prior to resubmission and approval.

To access the SIR system go to the Commission's website:
<http://www.disability.wa.gov.au/> - scroll to the 'Useful Links' section on the homepage, click on link that reads 'Serious Incident Reporting System'.

Click on the link provided to access the system: [SIR Application System](#)

It is important that action is taken to minimise the consequences of the serious incident and where possible prevent the occurrence of a similar serious incident in the future. Immediate actions taken to manage the situation should be recorded in the safeguarding section of the form. It is important that clear, concise and detailed information is provided. This will lessen the need for follow-up enquiries from the Commission.

Refer to the Commission's Form Initiator / Form Approver User Manual for guidance on how to access the system, completing and lodging an SIR.

11.4 Commission-provided services

When a serious incident occurs where the Commission is providing services, the incident must be reported via the online Serious Incident Reporting System. It is the responsibility of the Commission service provider to manage the incident. This could include investigation, provision of support, evaluation of practices, or involvement of other parties such as the police.

Commission Staff are required to complete Parts 1 to 4 of the SIR form only via the online SIR System. When submitted this will be sent to the Form Approvers for the relevant Directorate to review and approve.

The SIR Application System can be accessed from the Commission's Intranet Homepage – Application Box on the right hand side. Click on the following link below to access the SIR Application System.

Click on link provided to access to the system: [SIR Application System](#)

When completing a SIR, the People at Risk (PAR) Team may also be notified (as appropriate). Where this occurs, it is to be noted on the form. The PAR team is available to support in the development of the response plan. The response plan is forwarded in accordance with the PAR operational guidelines.

Refer to the Commission's Form Initiator / Form Approver User Manual for further details on how to access, create and submit a SIR through the new system.

11.5 Matters reviewed by the Disability Services Commission

The Director General of the Disability Services Commission is responsible under the Disability Services Act 1993, Division 2, s12(1)(i) for ensuring that the Disability Services Standards are adhered to by DSOs. The National Standards for Disability Services, in particular Standard 1, outline the preventative measures that should be in place to ensure that individuals are free from discrimination, exploitation, abuse, harm, neglect and violence. DSOs under contract with the Commission are required to ensure that their service promotes individual rights to freedom of expression, self-determination and decision-making and actively prevents abuse, harm, neglect and violence.

In accordance with s53-54 of the Disability Services Act 1993, there may be occasions where the Director General becomes aware of issues involving suspected abuse or neglect which are an offence under the Act. In these situations the Director General will request the DSO providing the service to furnish a report on how the matter is being addressed and what the circumstances were leading to the incident.

In these circumstances the Director General may, at their discretion, request an investigation of the matter.

11.6 External investigation

Where the matter involves the potential for criminal charges, such as sexual abuse or serious physical abuse of a person with disability by a staff member or contractor of the Commission or a DSO, it is essential that the incident be reported to the police. This action should then be noted in Part 3 of the SIR form.

Where statutory agencies such as the Police, Department for Child Protection and Family Support, Office of the Public Advocate and the Coroner are involved, this needs to be recorded in Part 3 of the SIR form.

11.7 Timelines

All serious incidents must be reported to the Commission within seven (7) days.

11.8 Confidentiality of information

Reports of serious incidents contain personal information and are to be kept confidential, in accordance with the Disability Services Act and/or other applicable and relevant legislation.

11.9 What happens with the Serious Incident Report form once submitted?

The Commission's Consumer Liaison Officer and/or CLO Service will review the forms and ensure all required information has been provided and that the form has been completed correctly. If the SIR contains incorrect or insufficient information, this will be returned to the FA for correction and resubmission. If clarification is required regarding aspects of the SIR, the CLO will forward the SIR to the relevant Commission directorate key contact for follow-up and response.

All SIR forms must be submitted via the online SIR System.

12. Enquiries

Enquiries about SIRs from disability sector organisations should be directed to their Service Contracting and Development Officer in the first instance.

Enquiries about SIRs for internal service providers should be directed through their appropriate line management.

The Consumer Liaison Officer can be contacted on (08) 9426 9244 or email SIR_CLO@dsc.wa.gov.au for any further questions regarding the SIR process.

If you experience any system related issues you can send an email to the System Administrator at SIR_Admin@dsc.wa.gov.au. This email should only be used for system related matters and not general questions about the SIR process.