



A quick guide to
NDIS ISRI reportable incidents
What you need to know



Reportable incidents: What are our obligations?

ermha365 must take all reasonable steps to ensure that the NDIS Commission is notified of certain types of incidents referred to as reportable incidents.

For an incident to be deemed a reportable incident it must satisfy the following two requirements:

- The incident must involve an act, event or omission defined in section 73Z(4) of the Act and section 16 of the NDIS (Incident Management and Reportable Incidents) Rules 2018, and
- The incident must have occurred or is alleged to have occurred in connection with the provision of **ermha365's** supports or services.

ermha365 must notify the NDIS Commission of all reportable incidents (including allegations), even when we have acted and responded appropriately.

A failure to comply with the requirement to notify, investigate and manage reportable incidents is a breach of our provider conditions of registration and may lead to regulatory action.


Definitions:

What is a reportable ISRI incident?

Reportable incidents include:

1. The death of a person with disability; or
2. Serious injury of a person with disability; or
3. Abuse or neglect of a person with disability; or
4. Unlawful sexual or physical contact with, or assault of, a person with disability; or
5. Sexual misconduct committed against, or in the presence of, a person with disability, including grooming of the person for sexual activity; or
6. Use of a restrictive practice that is unauthorised by your state or territory, or does not follow a behaviour support plan for the person with disability.

Reportable incidents: What are the notification timelines?



All reportable ISRI incidents, except for the unauthorised use of a restrictive practice, must be notified to the NDIS Commission

**within 24 hours
of Key Personnel becoming
aware of the incident.**

Any unauthorised use of restrictive practices must be notified within **5 days**. However, if the incident has resulted in harm to a person with disability, it must be reported within **24 hours**.

Who are Key Personnel at ermha365?

Tier 2 IHL, Senior Managers,
General Managers and Executives

Location of reportable incidents: **Where can reportable incidents take place?**

Reportable incidents can occur in a variety of settings but as long as there is a connection with the NDIS service delivery by **ermha365**, then they must be notified to the Commission.

Examples of where these incidents might occur include:

- In the private home of a person with disability
- In a residential care setting
- In supported accommodation
- In the premises of **ermha365** (for example, the rooms where therapy services are provided)
- In the community where **ermha365** is supporting the person with disability to access the community.

1.

Reportable incident: **Death of a person with a disability**

All deaths of people with disability that occur in connection with the provision of NDIS supports or services must be notified to the NDIS Commission.

The cause of death (natural or unnatural) does not change whether it is reportable. If a death was expected – e.g. because of age, it must still be reported.

Deaths are reportable if the person dies:

- In their own private home
- In supported accommodation
- In the community during community access
- In hospital or other health care facility
- **ermha**365 does not need to establish the cause of death before reporting the death to the NDIS Commission.

Providers are only required to consider if the death happened in the course of their involvement in providing supports or services to the person. These might include...
(examples here?)

2.

Reportable incident: **Serious injury of a person with a disability**

The serious injury of a person with disability must be notified to the NDIS Commission if it occurs or is alleged to have occurred in connection with the provision of NDIS supports and services.

A serious injury includes, but is not limited to:

- Fractures
- Burns
- Deep cuts
- Extensive bruising, including large individual bruises, or a number of small bruises over the impacted person
- Head or brain injuries which might be indicated by concussion or loss of consciousness
- Any other injury requiring hospitalisation or admission to emergency.

There will be instances in which a person with disability is hospitalised for reasons unrelated to serious injury. These instances are not reportable incidents.

3.

Reportable incident: **Abuse or neglect of a person with a disability**

Incidents involving the abuse or neglect of a person with disability, either by a worker, another person with disability, or any other person, that have occurred in connection with the provision of NDIS supports and services must be notified to the NDIS Commission.

Types of reportable abuse include:

- **Physical abuse:** non-accidental physical acts towards a person with disability that are intended to cause hurt or harm
- **Psychological or emotional abuse:** verbal or non-verbal acts that cause significant emotional or psychological anguish, pain or distress
- **Financial abuse:** improper or illegal use of money, property, resources or assets of a person with disability
- **Neglect:** which includes grossly inadequate care, failure to access medical care, supervisory neglect, a reckless act or failure to act, failure to protect from abuse
- **Systemic abuse:** a failure to recognise, provide, or attempt to provide adequate or appropriate services appropriate to the person's age, gender, culture, disability support needs or preferences
- **A pattern of abuse** that occurs in any or all of these categories.

4.

Reportable incident:

Unlawful physical or sexual contact with, or assault of, a person with a disability

Physical assault includes any act where unjustified physical force is used intentionally against a person without the person's consent.

A physical assault can also occur if a person causes another person to reasonably fear that unjustified force would be used against them. Assaults include hitting, pushing, shoving, spitting, throwing objects towards other people or making threats of physical harm.

Unlawful sexual contact or assault encompasses any behaviour of a sexual nature that is an offence under any criminal statute of a state, territory or the Commonwealth.

Unlawful sexual contact and assault offences include, but are not limited to sexual assault and indecent assault.

5.

Reportable incident: **Sexual misconduct committed against or in the presence of a person with a disability**

For sexual misconduct to constitute a reportable incident, the alleged misconduct must have been committed against, or in the presence of, a person with disability, in connection with the provision of NDIS supports or services.

These offences are not examples of unlawful sexual contact or assault as there is no contact present, however they constitute unlawful sexual conduct.

Sexual misconduct incidents include the following:

- Unlawful sexual conduct
- Sexually explicit comments and overtly sexual behaviour
- Crossing professional boundaries in a way that has sexual implications or connotations
- Grooming of the person for sexual activity.

6.

Reportable incident: **Unauthorised use of a restrictive practice in relation to a person with a disability**

Restrictive practices involve the use of practices that have the effect of restricting the rights or freedom of movement of a person with a disability. This can include restraint (chemical, mechanical, social or physical) and seclusion (keeping someone in isolation).

A restrictive practice is unauthorised if it:

- is not in a behaviour support plan
- has not been authorised in accordance with the state or territory authorisation process
- is not being used in accordance with the behaviour support plan.

Unauthorised restrictive practices must be reported to the NDIS Commission within **5 business days** of the provider becoming aware of the incident.

If the incident has resulted in harm to a person with disability, it must be reported within **24 hours**.

This Quick Guide has been created for ermha365 staff for easy reference and explanations of NDIS ISRI reportable incidents.

For more detailed information, please consult the NDIS Quality and Safeguard Commission "Practice Guide: Expectations of workers providing services in incident management and reporting incidents."

<https://tinyurl.com/yc536wvv>

