



Government of **Western Australia**  
Department of **Communities**

# Serious Incident Reporting Guidelines



## Table of contents

<b>1</b>	<b>Keywords .....</b>	<b>3</b>
<b>2</b>	<b>Guideline statement .....</b>	<b>3</b>
<b>3</b>	<b>Definitions .....</b>	<b>3</b>
<b>4</b>	<b>Background.....</b>	<b>6</b>
<b>5</b>	<b>Implementation .....</b>	<b>6</b>
<b>6</b>	<b>Funding or resource implications .....</b>	<b>6</b>
<b>7</b>	<b>Related legislation, policies and guidelines .....</b>	<b>6</b>
<b>8</b>	<b>Communication.....</b>	<b>6</b>
<b>9</b>	<b>Training and resources .....</b>	<b>7</b>
<b>10</b>	<b>Evaluation and review .....</b>	<b>7</b>
<b>11</b>	<b>Serious Incident Reporting procedure.....</b>	<b>7</b>
11.1	Reporting responsibility .....	7
11.2	Overview of the SIR submission process .....	7
11.3	Disability sector organisations .....	8
11.4	Communities-provided services .....	8
11.5	Matters reviewed by Communities .....	9
11.6	External investigation .....	9
11.7	Timelines.....	9
11.8	Confidentiality of information .....	10
11.9	What happens with the SIR Form once submitted? .....	10
<b>12</b>	<b>Enquiries .....</b>	<b>10</b>

## 1 Keywords

- Consumer
- Serious incident
- Consumer Liaison Service
- People with disability
- Carer
- Disability sector organisation
- Communities-provided service
- Notifiable incident.

## 2 Guideline statement

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

Note: For DSOs this only applies to Communities-funded services under a Communities DSPP Service Agreement (e.g., not NDIS funded services or other Communities-funded services).

Whenever an event or set of circumstances arise that require reporting, the Chief Executive Officer (CEO) of the DSO or relevant Executive Director of the Communities-provided service must ensure that the matter is reported to Communities 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 SIR, when to complete an SIR Form, what to do in the event of a serious incident. Refer to the SIR User Manual for information about how to access the system and submit an SIR.

## 3 Definitions

**Abuse:** 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:** 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 (CLO):** The officer within Communities responsible for reviewing and processing SIR forms received from the Form Approver through to completion.

**CLO Service:** 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:** The delegated officer within Communities who is responsible for reviewing and approving all SIR Forms submitted from both DSOs and Communities-provided services.

**Directorate Key Contact:** The officer within Communities 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 Communities' service area. Where follow up is required by DSOs, the Relationship and Contract Officer (RCO) would be asked to contact relevant organisation to seek further information.

**Emotional abuse:** Non-physical behaviours such as threats, insults, and can include constant monitoring, contact or "checking in," excessive texting, humiliation, intimidation, isolation, 'withholding' behaviours or stalking.

**Financial abuse:** 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 (FA):** Appointed users at a DSO or Communities who are responsible for reviewing SIRs before they are sent on to Communities' CLO. By default, for new organisations, the CEO will be defined as an FA. Additional FAs can be added or removed by an existing FA.

**Form Initiator (FI):** Any user who has access to Communities' DSC Sign On portal: such people will also have access to SIR as an FI. This will allow the user to create a new SIR and submit it to their organisation's FA/s for verification before being approved for processing by Communities. An FI will only be able to view SIRs they have personally created.

- exploitation or unjustified restrictive practices used with a person with disability
- an assault on staff or a visitor to the service by a person with disability.

**Neglect:** A passive form of abuse in which a perpetrator is responsible to provide care for a person who is unable to care for themselves and 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:

- the occurrence of a serious incident
- 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
- any referral of any matter or complaint regarding any Service User, the Services or the Service Provider generally, to any regulatory or investigative body

- 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
- serious verbal or written complaints received in relation to the Service or in relation to the Service Provider generally
- 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.

**Physical abuse:** 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:** 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 illness:** 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.

**Serious incident:** Means one or more of the following:

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

**Sexual abuse:** 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.

**Unauthorised restrictive practice:** Practices that have not met the requirements of the [Authorisation of Restrictive Practices in Funded Disability Services Policy](#). Please note, an unauthorised restrictive practice only needs to be reported if it falls within the definition of a 'serious' or 'notifiable' incident.

## 4 Background

Section 25 (4) of the *Disability Services Act 1993* (the Act) requires DSOs and services provided by Communities 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 Communities staff more accountable and ensure sound practices are in place to reduce the occurrence of such incidents.

Under the [Delivering Community Services in Partnership Policy](#) General Provisions for the Purchase of Community Services by State Agencies, 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 Communities' online SIR System using 'other notifiable incident' as the incident category.

## 5 Implementation

This guideline will be implemented across all Communities-provided services, including those provided by the Local Operations, Community Services and Contracting directorates and the Disability Justice Service.

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 Communities are funded to provide disability services and 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*
- Authorisation of Restrictive Practices in Funded Disability Services Policy
- National Standards for Disability Services.

## 8 Communication

This guideline will be used by both DSOs and Communities-provided services and is available online via WA.gov.au.

## 9 Training and resources

Relationship and Contract Officers within Communities' Contracting Directorate will be responsible for ensuring that DSOs are aware of their responsibilities regarding serious incident reporting.

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

Relevant resources can be found on the [SIR web page](#).

Communities staff can access the resources from [The Common](#) (Intranet).

The Consumer Liaison Officer can also provide training and awareness to Communities service areas and DSOs as required.

## 10 Evaluation and review

This guideline is evaluated according to the standard Director General Policy review mechanism.

## 11 Serious Incident Reporting procedure

### 11.1 Reporting responsibility

The responsibility for reporting all serious incidents rests with the DSO or Communities-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.

An 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 SIR User Manual for guidance on lodging an SIR. The user manual also explains 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 an SIR Form has been created by an FI, this will be sent to the 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 Communities. The CLO is responsible for reviewing all SIRs received.

If the SIR Form is not completed correctly, the CLO can reject the Form back to the FA requesting it to be rectified and resubmitted.

Where follow-up information is required, this will be requested from the relevant Directorate Key Contact in Communities. Follow-up requested from a DSO will occur through the organisation's RCO. 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 Communities' 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 FIs/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 SIR User Manual for guidance about how to run the 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 Communities via the online SIR 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 an SIR does not transfer the responsibility to Communities 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 Communities' SIR System. The FA has the ability to make amendments directly to the SIR System or they can refer it back to the FI to action any associated changes prior to resubmission and approval.

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 SIR Form. It is important that clear, concise and detailed information is provided. This will lessen the need for follow-up enquiries from Communities.

### **11.4 Communities-provided services**

When a serious incident occurs where Communities is providing services, the incident must be reported via the online SIR System. It is the responsibility of Communities' 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.



Communities 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 FA for the relevant Directorate to review and approve.

When completing an SIR Form, 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 the development of the Response Plan. The Response Plan is forwarded in accordance with the PAR operational guidelines.

### **11.5 Matters reviewed by Communities**

As the CEO of the Disability Services Commission, and with authority delegated by the Disability Service Commission Board, the Director General of Communities is responsible under the Act, Division 2, section 12(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 Disability Services 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.

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, as CEO of the Disability Services Commission, or a Delegated Officer, may, at their discretion, request an investigation of the matter and commence proceedings for an offence of ill-treatment in accordance with sections 53 and 54 of the Act.

### **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 Communities 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 Western Australia Police Force, 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 Communities within seven days of the incident occurring.

## **11.8 Confidentiality of information**

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

## **11.9 What happens with the SIR Form once submitted?**

Communities' CLO 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 Form, the CLO will forward the SIR Form to the relevant Communities Directorate Key Contact for follow-up and response.

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

## **12 Enquiries**

Enquiries about SIR Forms from DSOs should be directed to their RCO in the first instance.

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

The Consumer Liaison Officer can be contacted on 1800 333 325 (choose option 3 for Disability) for any further questions regarding the SIR process.