



Embracing Change Project: Webinar 4

Participant Questions on Notice

Core Module Part 2: Feedback and Complaints Management, Incident Management, Human Resource Management, Continuity of Supports

Initial version developed in June 2020 and updated on 1 July 2020

Introduction

We received 4 questions that we were not able to answer on the day due to time constraints.

The NDIS Commission spoke about three important resources on the day which we'd like to bring to your attention:

1. *Worker Orientation Online Training Module* called Quality, Safety and You. This interactive online course explains worker obligations under the NDIS Code of Conduct from the perspective of NDIS participants. Access the training package by following this link <https://www.ndiscommission.gov.au/workers/training-course>
2. *Effective Complaint Handling Guidelines for NDIS Providers* sets out guidance regarding Complaints management and resolution and Effective complaint handling, including record keeping requirements and how to respond to a complaint. Download a copy of the Guidance from the following link <https://www.ndiscommission.gov.au/document/1081>
3. *Incident Management Systems: Detailed Guidance for Registered NDIS Providers* sets out the procedures for identifying, managing and resolving incidents. <https://www.ndiscommission.gov.au/document/1086>

Questions and Answers

There were four questions we did not have time to answer during the webinar. Please see below answers that have been prepared by the Project Team.

1. **What happens when, as a support worker, you become aware that a self-managed participant is misusing their funds and basically being fraudulent? What is the process for reporting it?**

Answer: The NDIA accepts reports regarding suspected fraud to the Fraud Hotline on 1800 650 717 where the suspected fraud concerns a NDIA employee (including Partners in the Community), a NDIS provider and a NDIS participant. For details including what to report and how to report follow this link <https://www.ndis.gov.au/about-us/fraud-strategy/reporting-suspected-fraud#what-to-report-participant-behaviour>

2. **There are limited number of NDIS auditors here in WA. How will the Commission support the expansion of NDIS auditors here in WA as well as access to training delivered here by the Commission?**

Answer from the Project Team: Thank you for your question. The NDIS Quality and Safeguards Commission (NDIS Commission) will start managing quality and safeguards in Western Australia from 1 December 2020. We have sent your question to the NDIS Commission representatives and the Contact Centre. Once we receive a reply, we will post the answer in a future edition of this resource.



Answer from the NDIS Commission: The NDIS Commission will be providing more information to WA providers in coming months. If you have a specific inquiry, please call NDIS Commission P 1800 035 544. Providers can also subscribe to regular Provider Alerts and Updates on the NDIS Commission Website.

3. Can you explain the definition of 'in connection with' in relation to reportable incidents?

Answer from the Project Team: On pages 15 to 17 [Reportable Incidents Guidance](#), the NDIS Commission addresses the definition of “in connection with” as it relates to the requirement to report incidents in connection with the provision of supports or services by a particular service provider.

The Commission notes on page 16 of the [Reportable Incidents Guidance](#) that the phrase ‘in connection with’ is intended to be broad. It covers incidents that:

- “a) may have occurred during the course of supports or services being provided;*
- b) arise out of the provision, alteration or withdrawal of supports or services;*
- c) may not have occurred during the provision of supports but are connected because it arose out of the provision of supports or services.”*

Please see section entitled *What does ‘in connection with the provision of supports or services by a registered NDIS provider’ mean?* for additional detail including case studies.

Additionally, you may be interested in reading the [Explanatory Statement for the NDIS \(Incident Management and Reportable Incidents\) Rules 2018](#) as it provides the basis for the definition of “in connection with”.

Answer from the NDIS Commission: The following explanation is taken from page 14 of the *Reportable incidents Detailed Guidance for Registered providers* available at <https://www.ndiscommission.gov.au/sites/default/files/documents/2019-06/detailed-guidance-reportable-incidents-detailed-guidance-registered.pdf>

Please also call NDIS Commission P 1800 035 544 if you need advice or guidance.

What does ‘in connection with the provision of supports or services by a registered NDIS provider’ mean?

A registered NDIS provider is only required to notify the Commission of reportable incidents which have occurred, or are alleged to have occurred, if those incidents happened **in connection with** the provision of supports or services by that provider.

This meaning of the phrase ‘in connection with’ is intended to be broad. It covers incidents that:

- may have occurred during the course of supports or services being provided;
- arise out of the provision, alteration or withdrawal of supports or services; and/or
- may not have occurred during the provision of supports but are connected because it arose out of the provision of supports or services.

Reportable incidents could occur in a variety of settings but as long as there is a connection with the service delivery by a registered NDIS provider, 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 the registered NDIS provider (for example, the rooms where therapy services are provided)
- In the community where the registered NDIS provider is supporting the person with disability to access the community

Although an incident may occur at the time of service delivery, it may not be in connection with the service and is therefore not a reportable incident.

Examples

- An occupational therapist attends the home of a person with disability to conduct an assessment. While speaking with members of the person's family, the person with disability puts their hand on the stovetop and suffers a serious injury. The incident occurred at the time of service delivery, but was not directly linked with or caused by the service delivery. This is not a reportable incident and does not require notification to the NDIS Commission.
- A person with disability is accompanied by a worker to attend a physiotherapy appointment. As they leave the office building, a tile falls off the roof and hits the person who sustains a serious injury and needs hospitalisation. Although this happened at the time a person was receiving a service from the registered NDIS provider, the service delivery was coincidental to the injury caused. The incident did not occur in connection with the service provision and does not need to be reported to the Commission.

Whether a reportable incident occurs in connection with the provision of services and supports also depends on the nature and extent of services being provided.

Where a person is living in supported accommodation, the registered NDIS provider involved usually has a responsibility for the supervision, health, safety and well-being of residents of the accommodation. This will often mean that reportable incidents which happen in the supported accommodation are in connection with the provision of services and supports and must be notified to the Commission. The exception to this would be where the reportable incident was entirely coincidental and unrelated to the provision of services, for example, a person suffers food poisoning after eating food delivered to the accommodation.

It is also not necessary for the registered NDIS provider to come to a conclusion about whether the service delivery 'caused' the reportable incident before deciding whether to notify the Commission.

4. It would be very helpful if the Commission could confirm deaths and other serious incidents are NOT reportable if they did not occur "in connection with" NDIS supports.

Answer from the Project Team: Please see answer to question 3 above. In addition, see pages 17 and 18 of the [Reportable Incidents Guidance](#) regarding the requirement for NDIS registered service provider to report death or serious injury of a person with disability.

The NDIS Commission notes on page 17 of the [Reportable Incidents Guidance](#) that, "Registered NDIS providers do 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."

Answer from the NDIS Commission: Please refer to NDIS Commission website under NDIS Providers: <https://www.ndiscommission.gov.au/providers/incident-management-and-reportable-incidents#02> which states "For an incident to be reportable a certain act or event needs to have happened (or alleged to have happened) **in connection with the provision of supports or services by the registered NDIS provider.**" Also see the answer to question 4 below.



There are a number of additional related resources also available on this webpage including:

- Reportable Incident Quick Reference Guide
- Reportable Incidents Fact sheets
- FAQ: My Reportable Incidents
- Reportable incident detailed guidance
- Incident Management Systems detailed guidance
- Incident management and RI: worker expectations
- Weekly Reporting of unauthorised restrictive practices