

G.17 Incident Investigation Policy

1.0 INTRODUCTION/BACKGROUND

Mercy Services values of Justice and Care oblige the organisation to take all necessary steps to ensure that people are not injured at Mercy Services venues/activities. The early detection and response to incidents and injuries is an essential part of this obligation.

Mercy Services will respond to incidents in line with an open disclosure process:

1. Expression of apology/regret when a person has experienced harm;
2. Explanation of Mercy Services situation and policy that may have contributed to this harm;
3. Explanation of the consequences/changes that have resulted from Mercy Services response; and
4. Explanation of steps Mercy Services will take to ensure there is no recurrence of the harm to the person or others.

Work Health and Safety (WHS) Laws also require Mercy Services to properly investigate incidents. In particular the NSW Work Health & Safety Act 2011 and the NSW Work Health & Safety Regulation 2011 require certain incidents/injuries be reported to the WorkCover Authority of NSW. Section 63 of the Workplace Injury Management and Workers Compensation Act 1998 also requires the keeping of a Register of Injuries.

Many funding departments require Mercy Services to notify them in the event of a serious incident.

2.0 SCOPE

This policy applies to any incident that involves a Mercy Services site, equipment, program or staff/volunteer.

3.0 POLICY STATEMENT

Mercy Services is committed to ensuring health and safety of all people on Mercy Services sites and during Mercy Services activities and will provide:

- appropriate processes that enable the reporting of incidents;
- effective incident investigating;
- appropriate remedial action for the prevention of a recurrence or similar incidents; and
- appropriate communication and reporting of incidents/injuries to help promote a safe environment.

4.0 PROCEDURES

4.01 Definitions:

- a). Incident *An unplanned and unexpected event that results in:*
- *personal injury, and/or*
 - *property damage, and/or*
 - *near hit/miss.*
- b). Notifiable Incident (Workcover) *Notifiable incidents include the following incidents occurring at, or in relation to, a place of work:*
- a) the death of a person, or
 - b) immediate treatment as an in-patient in a hospital, or
 - c) immediate treatment for:
 - i. the amputation of any part of his or her body, or
 - ii. a serious head injury, or
 - iii. a serious eye injury, or
 - iv. a serious burn, or
 - v. the separation of his or her skin from an underlying tissue (such as de-gloving or scalping), or
 - vi. a spinal injury, or
 - vii. the loss of a bodily function, or
 - viii. serious lacerations, or medical treatment within 48 hours of exposure to a substance, and includes any other injury or illness prescribed by the regulations but does not include an illness or injury of a prescribed kind.
 - d) Exposure of a person to a health or safety risk emanating from an immediate or imminent exposure to:
 - i. an uncontrolled escape, spillage or leakage of a substance, or
 - ii. an uncontrolled implosion, explosion or fire, or
 - iii. an uncontrolled escape of gas or steam, or
 - iv. an uncontrolled escape of a pressurised substance, or
 - v. electric shock, or
 - vi. the fall or release from a height of any plant, substance or thing, or
 - vii. the collapse, overturning, failure or malfunction of, or damage to, any plant that is required to be authorised for use in accordance with the regulations, or
 - viii. the collapse or partial collapse of a structure, or
 - ix. the collapse or failure of an excavation or of any shoring supporting an excavation, or
 - x. the inrush of water, mud or gas in workings, in an underground excavation or tunnel, or
 - xi. the interruption of the main system of ventilation in an underground excavation or tunnel, or
 - xii. any other event prescribed by the regulations,
 - xiii. but does not include an incident of a prescribed kind.

c). Reportable Incidents (related to people with a disability)

1. Employee to client incidents

An incident involving any of the following in connection with an employee of FACS or a funded provider and a person with disability living in supported group accommodation:

- i) any sexual offence committed against, with, or in the presence of the person with disability
- ii) sexual misconduct committed against, with, or in the presence of the person with disability, including grooming of the person for sexual activity
- iii) an assault of the person with disability, not including the use of physical force that, in all the circumstances, is trivial or negligible, but only if the matter is to be investigated under workplace employment procedures
- iv) an offence under Part 4AA of the *Crimes Act 1900* committed against the person with disability (fraud)
- v) ill-treatment or neglect of the person with disability.

2. Client to client incidents

An incident involving an assault of a person with disability living in supported group accommodation by another person with disability living in the same supported group accommodation that:

- i) is a sexual offence, or
- ii) causes serious injury, including, for example, a fracture, burns, deep cuts, extensive bruising or concussion, or
- iii) involves the use of a weapon, or
- iv) is part of a pattern of abuse of the person with disability by the other person.

3. Contravention of an apprehended violence order

An incident occurring in supported group accommodation and involving a contravention of an apprehended violence order made for the protection of a person with disability, regardless of whether the order is contravened by an employee of FACS or a funded provider, a person with disability living in the supported group accommodation or another person.

4. Unexplained serious injury

An incident involving an unexplained serious injury to a person with disability living in supported group accommodation.

d). Near hit/miss *Those events which do not cause personal injury or property damage but which have the potential to do so if they happen again.*

4.02 Incident Investigation Process

1. Staff and volunteers must report all incidents as soon as possible to their Coordinator/Director of Care or someone else from Mercy Services

management. This report can be via telephone if the staff/volunteer is working away from a Mercy Services centre.

2. An Incident Report (see Appendix 1) must be completed for all incidents. It is preferable that the person reporting the incident complete the first (red) section of the Incident Report.

If a Coordinator/Director of Care or someone else from Mercy Services management receives a report of an incident via telephone s/he is then responsible for filling in as much of an Incident Report as possible with the remainder being completed with the relevant staff/volunteer as soon as possible. If the Coordinator/Director of Care or someone else from Mercy Services management is out of the office at the time they will arrange with the reporter or whichever one of them is first in the office to start the Incident Report.

3. The Coordinator/Director of Care or someone else from Mercy Services management must ensure the immediate safety and appropriate response to those who have experienced the incident and those at risk.
4. If it is a notifiable incident (see 4.01 definition above) then the WHS Coordinator must be told so s/he can notify WorkCover immediately by telephone and take measures to ensure the site where the incident occurred is not disturbed until a WorkCover inspector arrives at the site or any earlier time that an inspector directs.
5. If it is a reportable incident involving a person with a disability the NSW Department of Family and Community Services through the District Community and Reform Team within 24 hours and the NSW Ombudsman must be informed within 30 days.
6. The WHS Coordinator (or if unavailable the Chief Executive Officer) must also be notified immediately if a staff person has sustained injuries that may require medical treatment and/or time off work.
7. The person responsible for investigating the incident will be the Coordinator/Director of Care or someone else from Mercy Services management who receives the report. If the incident occurs and is reported after hours the investigating person may be on-call Coordinator.

The investigating person will ensure the safety of all, conduct an investigation and complete the blue section of the Incident Report. There is a question on the Incident Report regarding whether a Risk Management Tool was completed. A Risk Management Tool is not required if there are no identified means of prevention or the hazard has since been eliminated. (see *G.05 Risk Management Policy*).

8. The investigating person's incident investigation may include:
 - a. an inspection of the incident site to gather any applicable information;
 - b. interviews with any employees/volunteers/clients involved (see 4.04 below);

- c. assessing whether Mercy Services policy and Safe Work Practices (SWP) were followed; the extent to which Mercy Services policy and SWP contributed to the incident; and whether changes need to be made to Mercy Services policy and SWP;
 - d. development of recommendations of actions, such as preventative measures, improved safety procedures and improved training needs; and
 - e. monitoring of recommended corrective actions.
9. Where the incident investigation cannot be conducted immediately, the investigation must take place within 48 hours of the incident occurring.
 10. The investigating person will then pass the Incident Report to the WHS Coordinator. The WHS Coordinator will check the adequacy of the response to the incident and note any follow-up on the green section of the Incident Report. The WHS Coordinator will then record the details in the Register of Injuries, and notify the appropriate authorities (see 4.03 below). The WHS Coordinator securely saves the original form and returns the carbon copy to the Coordinator. The Coordinator will offer the copy of the form to the person who made the report.

4.03 Notifying authorities

4.03.a WorkCover

Under the Work Health and Safety Act 2011 (NSW), WorkCover must be informed of a notifiable incident (as defined in 4.01.b above).

The WHS Coordinator, or if he/she are unavailable the Chief Executive Officer, is responsible for contacting WorkCover.

4.03.b Workers Compensation Insurer (*Catholic Church Insurances (CCI)*)

Under the Workplace Injury Management and Workers' Compensation Act, 1988 (section 44) employers (including Mercy Services) must notify their insurer (CCI for Mercy Services) within 48 hours of becoming aware of any injury where compensation is, or may be, payable. This would include injuries where a worker has, or is likely to have, time off work and suffer a wage loss and/or where medical or related treatment is, or may be, sought.

In circumstances where a work related injury is not likely to result in payment of compensation it is not necessary for Mercy Services to inform CCI. If later information indicates the injury will result in compensation then CCI need to be informed within 48 hours of this awareness.

Notification is done by the WHS Coordinator, or if he/she are unavailable the Chief Executive Officer, using CCI's "Notification of Injury" form. If the injury does require a claim under Workers Compensation, the WHS Coordinator will inform CCI as soon as possible.

If the employee seeks compensation, all originals of receipts for medical expenses relating to the work-related injury or illness will be provided to the WHS Coordinator for forwarding to CCI. The employee should retain copies of the receipts, as does the WHS Coordinator.

4.04 Communicating Incidents

- a) The investigating person will consult with any Mercy Services staff/volunteers/client regarding steps that have been or will be taken to prevent a reoccurrence of the incident.
- b) The investigating person will also (with the client’s consent) consult with any other services regarding steps that have been or will be taken to prevent a reoccurrence of the incident.
- c) The investigating person will follow an open disclosure process in communicating with any person(s) affected by the incident.
- d) The WHS Coordinator will report incidents to the Health & Safety Committee.
- e) The WHS Coordinator will provide relevant information to Mercy Services staff/volunteers/clients on current incidents with the view to increasing incident reporting and reducing injuries.

4.05 Record keeping

Records of incidents will be kept for seven years.

4.06 Compliance

Compliance with this policy is being measured by:

- a) all Incident Reports are adequately completed and recorded;
- b) each Mercy Services program has completed at least one Incident Report annually; and
- c) WorkCover/ CCI are notified of injuries/incidents within required time period.

4.07 Evaluation

The performance indicators for the evaluation of this policy are:

- a) At least 90% of Mercy Services staff giving a positive rating on how well Mercy Services is committed to safety;
- b) The Lost Time Injury Frequency Rate is stable or falling; and
- c) The number of non-injury incident reports is stable or rising.

5.0 REFERENCES

1. Current Issues	a)
2. Australian Standards	a) AS/NZS 4360: <i>Risk Management</i>
3. Legislation	a) Community Services (Complaints Reviews and Monitoring) Act, 1993 (NSW) b) Disability Inclusion Act, 2014 (NSW) c) Ombudsmans Act, 1974 (NSW) d) Work Health and Safety Act, 2011 (NSW) e) Work Health and Safety Regulations, 2011 (NSW) f) Workplace Injury Management and Workers Compensation Act, 1998 (NSW)
4. Professional guidelines	a) nil
5. Codes of Practice	a) Safe Work Australia (2011) Code Of Practice: How to Manage Work Health and Safety Risks http://www.safeworkaustralia.gov.au/AboutSafeWorkAustralia

	/WhatWeDo/Publications/Documents/633/How_to_Manage_Work_Health_and_Safety_Risks.pdf
6. Codes of Ethics	<p>a) Australian Association of Social Workers Code of Ethics 2010 http://www.aasw.asn.au/document/item/1201</p> <p>b) Australian Psychological Association Code of Ethics http://www.psychology.org.au/Assets/Files/APS-Code-of-Ethics.pdf</p> <p>c) Code of Ethics for Nurses in Australia 2008 http://www.nursingmidwiferyboard.gov.au/Codes-Guidelines-Statements/Codes-Guidelines.aspx#codesofethics</p> <p>d) Integrity in the Service of the Church https://www.catholic.org.au/media-centre/media-releases/cat_view/10-organisations/38-national-committee-for-professional-standards</p> <p>e) Mercy Services Code of Conduct</p>
7. Evidence	<p>a) WorkCover Authority of NSW “How to work related incidents” Code of Practice 2001 Catalogue No. WC01287.1</p> <p>b) Correspondence from CCI to Mercy Services (12/05/11) ..\Return to Work Coordination\Catholic Church Insurances\letter_120511.pdf</p> <p>c) Australian Commission on Safety and Quality in Healthcare (2003) Open Disclosure Standard: A National Standard For Open Communication In Public And Private Hospitals, Following An Adverse Event In Health Care http://www.safetyandquality.gov.au/wp-content/uploads/2012/01/OD-Standard-2008.pdf</p>
8. Mercy Services Values	a) Justice, Respect, Care, Unity, Service

6.0 OTHER RELATED POLICIES

- A.03 Code of Conduct – Staff/Volunteers
- C.05 Quality Improvement
- C.06 Risk Management
- D.10 Security
- D.11 Insurance
- D.12 Anti Fraud and Anti Corruption
- E.08 Complaints
- E.16 Protection of Vulnerable adults from Abuse and Neglect
- E.17 Protection of Children from Abuse and Neglect
- F.06 Management of Poor Conduct or Performance
- G.01 WHS Policy
- G.02 WHS Management System
- G.03 WHS Consultation
- G.05 Risk Management
- G.13 Post-Traumatic Incident
- G.15 First Aid

7.0 RELATIONSHIP WITH STANDARDS

<i>Aged Care Accreditation Standards</i>	<i>Home Care Standards</i>	<i>Disability Standards</i>	<i>EQIP Standards</i>
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1.3, 1.4, 1.6, 2.3, 3.3, 3.4,	1.1, 1.2, 1.3, 1.4, 1.5, 1.6, 1.7, 1.8, 2.1, 2.2, 2.3, 2.4, 2.5, 3.1, 3.2, 3.3, 3.5	1.1, 1.2, 1.5, 1.6, 1.7, 6.1, 6.2, 6.3, 6.4,	1.5.1, 1.5.2, 1.5.4, 1.5.6, 2.1.2, 3.1.4, 3.1.5, 3.2.1, 3.2.2, 3.2.3, 3.2.4, 3.2.5
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8.0 DOCUMENT CHANGES RECORD

Dates of change	Section altered	Natures of changes made
Dec 2005	First record of document	
27/08/2007	a) Header and footer details, b) 4. Definitions c) 5.3 Incident Investigation Process d) 5.4 Notification of authorities e) 6.0 Document Changes record f) Appendix 1 g) Appendix 2	a) Titles and dates b) Reworded to better reflect WorkCover definitions c) Minor changes to process d) Reworded e) added f) Changes to content and format g) Added
02/09/2009	a) Old 1.0 Purpose b) New 1.0 Introduction c) Old 3.0 References d) Old 4.0 Definition e) New 3.0 Policy Statement f) Old 5.1 g) Old 5.2 h) Old 5.3 i) Old 5.4 j) New 4.04 and 4.05	a) Moved to 2.0 Purpose combined with scope b) added c) Moved to 5.0 References d) Moved to 4.01 e) Added f) Moved to 4.02.1 g) Reworded and moved to 4.02.6 h) Incorporated in new 4.02 with requirement that incidents reported by phone must be immediately recorded on Incident Form i) New version of previous 5.03 j) added
28/03/2011	a) 6.0 Other Related Policies b) 7.0 Relationship to Standards	a) Additional Policies referenced b) Section added
20/05/2011	a) 4.03b b) 5.0	a) CCI now only notified of compensable injuries as per correspondence 12/05/11 listed in evidence. b) Updated format and included CCI letter
06/02/2012	a) All sections b) 1.0 Introduction c) 4.5 Compliance d) 4.6 Evaluation e) 5.0 References	a) Updated with how new WHS laws and Codes of Practice apply at Mercy Services b) Add that Funding Departments want to be informed of serious incidents c) New section d) New section e) Updated with new WHS laws and Codes of Practice
12/09/2012	a) 4.02.7	a) Specify that relevant Mercy Services policy and SWP be reviewed after an incident
27/11/2012	All Sections	Organisation name updated
05/08/2015	a) All sections b) 1.0 Introduction c) 4.0.1.b Definition: Notifiable incident	a) Change General Manager to Chief Executive Officer b) Remove specific reference to Dept of Health & Ageing

Dates of change	Section altered	Natures of changes made
	<ul style="list-style-type: none"> d) 4.02. Incident Investigation Process e) 4.0.3.a WorkCover f) 4.03.b Workers Compensation g) 4.07.b Evaluation h) 5.0 References i) 7.0 Relationship with Standards j) Appendix 1 Incident Report Form k) Appendix 2 CCI Notification Form 	<ul style="list-style-type: none"> c) Update with definition in WHS Act 2011 d) # 4 Replace with wording in WHS Act 2011, # 1, 3, 6, & 7 replace "Coordinator" with "Coordinator/Director of Care or someone else from Mercy Services management" e) Shorten detail to just "notifiable incident" f) Informing CCI of workers comp claim does not require a claim form and should be ASAP not within 7 days. g) Replace worker compensation days with LTIFR h) Update Codes of Ethics i) Update Disability Standards and include Aged Care Accreditation Standards j) Various changes k) Delete
07/09/2016	<ul style="list-style-type: none"> a) 1.0 Introduction b) 2.0 Scope c) 4.01 Definitions d) 4.02 Incident Investigation Process e) 4.04 Communicating Incidents f) 5.0 References 	<ul style="list-style-type: none"> a) Add statement about Open Disclosure b) Reword from purpose to scope c) Add Reportable Incidents d) Add response to Reportable incidents e) Add Open Disclosure communication f) Add more Legislation
Review due 07/09/2019		



Mercy Services

Incident Report

Appendix 1

An incident refers to any occurrence, event or circumstance at the place of work that has, or may have, presented a risk to the health, safety or welfare of any employee, volunteer, client or visitor. It may also refer to any destruction or damage to any plant, equipment, building, structure or environment belonging to the workplace, whether under the direct control of Mercy Services or not.

Complete this section if you are the person reporting in the incident

Person Reporting the Incident

Name: Address:
Phone: Position:

Name of Others Involved (1)

Name: Address:
Phone: Position:

Name of Others Involved (2)

Name: Address:
Phone: Position:

Did the Incident involve:

- Injury to staff Injury to others Near Hit / Threat Property/equipment damage Other.....

The Incident Report

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Date of Event: Time of Event:am/pm
Place of Incident: Mercy Services Program:
Date of Report: Time of Report:am/pm Reported to:

Witness

Name: Address:
Phone: Position:

Description of Incident:

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.....

Injury Caused By Incident (Physical/Emotional) - Was anyone injured because of this incident? YES/NO

If yes Name: Address:
Phone: Position:

Describe the Injury: (Please give details of the activity in which you were engaged at the time of the incident, what type of injury (e.g. sprain, threat, cut, exposure), what part of the body was involved (R. arm, eye) and what treatment was given at the time.)

Reporter's Name: Signature: Date:

Complete this section if you are the Coordinator or Director of Care-Singleton/RN of the person involved in this incident

Post Incident

Did the injured person require medical attention/review? YES / NO
If yes, who provided this help? Ph Number

Was any time lost from work? YES / NO If yes, how much time was lost?

What do you believe were the contributing factors to this incident?

What controls have been put in place to avoid a similar incident from occurring?

Who will establish these controls? When?

Complete a Risk Management Tool if the incident or its response is complex (preferably with the person involved in the incident).

Is a copy attached to this report? YES / NO
If No, why not?

Coordinator Name: Signature: Date:

WHS Coordinator completes this section

Incident number:/Injury code: Comments/Follow Up

WHS Coordinator Name: Signature: Date: