

|  |
| --- |
| Frequently asked questions |
| Reporting a notifiable incident |
|  |

# Your obligations to report notifiable incidents

Service providers registered with the Social Services Regulator are responsible for reporting notifiable incidents that occur during the delivery of a registered social service.

The requirement to report starts once a provider is registered. This means some providers will not be required to report until later in 2024 or into 2025.

This fact sheet should be read in conjunction with information about obligations to report notifiable incidents, available at <https://www.vic.gov.au/ssr-reporting-notifiable-incident>

## What has changed about reporting a notifiable incident?

Since 1 July 2024, the definitions of *critical* notifiable incident have been updated. Absent service user is no longer a critical notifiable incident. Staff on service user assault or sexual assault is only a critical notifiable incident if the service user required medical treatment.

A snapshot of the updated definitions is outlined in Table 1:

**Table 1**

|  |  |
| --- | --- |
| **Type of critical incident** | **Description** |
| **Unexpected death** | Death of a service user during service delivery where the death is unexpected |
| **Escape from a secure facility** | Applies only to service users in Secure Care, Custodial care and Disability services (where the relevant service user is subject to compulsory treatment or judicial orders). |
| **Medication error** | The incident results in the service user requiring medical treatment at a hospital. |
| **Physical abuse** | The incident results in the service user requiring medical treatment at a hospital |
| **Sexual abuse** | The incident required police involvement and the service user required medical treatment at a hospital. |
| **Fire, flood or other** **emergency event** | Results in a service user requiring medical treatment at a hospital; and/or the relocation of service users. |

## Have the notification requirements changed?

No. There is still a two-step process for notifying the Regulator of critical notifiable incidents. This means that service providers must:

1. Report the critical notifiable incident by close of business on the next business day
2. Complete **a full incident report within three business days**.

This webpage steps you through how to complete each of these reports [Reporting a notifiable incident | vic.gov.au (www.vic.gov.au)](https://www.vic.gov.au/ssr-reporting-notifiable-incident).

For other notifiable incidents that do meet the definition of a critical notifiable incident, you still need to complete a full incident report about the incident within three business days.

## Why do I need to fill out an incident report, if I have already alerted the Regulator to a critical notifiable incident?

The full incident report, to be submitted within three business days, provides further detail to help inform the Regulator’s response. In most cases, if the critical notifiable incident short form is completed correctly, the Regulator will first review the **full incident report** before initiating a follow up with a service provider.

The full incident report provides important information that helps the Regulator to identify in further detail important sector trends and needs. This information helps to inform the Regulator’s proportionate, risk-based approach to regulation including minimising regulatory burden where possible.

## What if I haven’t yet found out all the details of a critical notifiable incident?

Service providers still need to report what they know about a critical notifiable incident to the Regulator by close of business the next business day.

The critical incident notification short form is designed for you to provide a concise summary of what you know about the incident and to outline the actions you’ve taken.

Ensuring social service users are safe is a core objective of the Social Services Regulator. It is important that the Regulator can take action to minimise the possibility of serious harm occurring wherever possible.

The specific definitions of critical notifiable incidents have been carefully reviewed to be as focused as possible, rather than to create broad urgent reporting requirements.

## We have investigation processes to confirm allegations of certain incidents. Do I still need to alert the Regulator during this process?

If an incident meets the definition of a critical notifiable incident, this incident must be reported to the Regulator by the close of the next business day, by completing the critical notifiable incident form.

The Regulator understands that within this initial urgent reporting period, service providers may not yet have all the details confirmed about the incident.

By providing an initial summary of the incident by close of business the following business day, you are helping the Regulator to achieve its core objective of minimising harm to social service users where possible.

## Absent service user and staff on service user assault can be something that happens regularly. Is this still considered a critical notifiable incident to be reported within 24 hours?

Following review of the critical notifiable incident definitions:

* absent service user is no longer a critical notifiable incident
* staff on service user assault or sexual assault is only a critical notifiable incident if the service user required medical treatment.

This means it’s not necessary to complete the critical notifiable incident short form by close of business the next business day.

It is necessary to submit a full incident report within three business days for:

* absent service user
* staff on service user assault or sexual assault that did not result in the service user requiring medical treatment.

## An incident occurred on the weekend. When do I notify the Regulator?

First check if the incident meets the definition of critical notifiable incident.

If the incident meets the definition, you must complete the critical notifiable incident form by close of business on the next business day. For critical notifiable incidents which occur on either Friday or the weekend, this means you must alert the Regulator by close of business on the Monday following.

If the incident does *not* meet the definition to be a critical notifiable incident, this means you have three business days to complete a full incident report.

## I am already reporting incidents to other Regulators. Why do I also need to notify the Social Services Regulator within 24 hours?

Notifying the Regulator of critical notifiable incidents is an important requirement that directly links to the Regulator’s role protecting the rights and safety of service users. The timely provision of crucial information is vital to assist in preventing and responding to significant harm or risk of harm to service users.

The Social Services Regulator will continue to work with other regulators to improve information sharing and, where possible, better identify and respond to risks of harm using intelligence provided to other Regulators.

## We are already required to report all allegations of sexual assault to police – is this notification considered police involvement?

If an incident of sexual abuse required police involvement and the service user required medical treatment at a hospital, the incident is a critical notifiable incident.

This means that a service provider needs to complete the critical incident notification short form by close of business the next business day.

## What does the Regulator do after receiving a notification?

After receiving a notifiable incident, the Regulator will:

* review the information
* confirm the report is in scope and which category it falls into
* assess the risk of the incident and determine a response.

The Regulator may:

* ask for further information
* record the notifiable incident for intelligence purposes and identifying trends
* monitor the response to the notifiable incident
* investigate the notifiable incident
* take action for non-compliance against the Social Services Standards (Standards), or breaches of the Act or the Social Services Regulations 2023 (the Regulations)
* close the report with no further action.

## I’m a health services provider. Can I report incidents through VHIMS?

No. The Social Services Regulator does not have access to VHIMS and these providers need to report directly to the Regulator using the forms on the webpage.

## I’m a service provider that uses CIMS to report incidents to the Department of Families, Fairness and Housing. Can I report incidents through CIMS?

Step 1 of reporting for critical notifiable incidents can’t be reported through CIMS. You must use the Regulator’s critical notifiable incident form. All other incidents can be reported through CIMS.

This means **serious risk** and **serious harm** incidents *and* step 2 which is the full incident report for a critical notifiable incident.

## What if I’m not sure if it is a notifiable incident?

If you are not sure it’s a notifiable incident, you should still report it.

In most cases the Regulator will then contact you to explain why it is or isn’t a notifiable incident and what you should do in future.

The Regulator is committed to educating providers about their requirements to report notifiable incidents.

## What happens if I don’t provide enough information?

It is important to provide sufficient detail of incidents you report to the Regulator, to demonstrate you have met reporting requirements.

The Regulator will not hesitate to act to protect service users from harm, abuse and neglect.

Table 2 has more information on how the Regulator reviews notifiable incidents.

Table 2: The Regulator’s approach to reviewing information submitted by short form or report

|  | Information submitted | The Regulator’s approach |
| --- | --- | --- |
| **1.** | The full incident report has been completed correctly | The Regulator will review and make a decision for follow-up based on the information provided in the incident report.The Regulator is committed to making decisions using an intelligence-led approach proportionate to risk that minimises regulatory burden. |
| **2.** | There is **insufficient** information in the full incident report about a notifiable incident  | The Regulator may:* contact the service provider to urgently provide the necessary information
* provide further guidance to the service provider on appropriate reporting.
 |
| **3.** | The full incident report has been submitted **after** three business days | From 1 December 2024 the Regulator will likely contact the service provider and initiate a follow-up. |
| **4.**  | The information in the *critical* notifiable incident short form **meets requirements**  | In most cases, the Regulator will first review the **full incident report** before initiating a follow up.This means that in most cases, the Regulator will follow up after three business days. |
| **5.** | The information in the *critical* notifiable incident short form **does not meet** requirements | The Regulator may:* contact the service provider to urgently provide the necessary information
* arrange an onsite visit by authorised officers for situations assessed as urgent or critical.
 |
| **6.** | The *critical* notifiable incident form has been submitted outside the next business day reporting requirements. | From 1 December 2024 the Regulator will initiate follow-up with the service provider. |
| **7.** | A one-off misclassification of an incident | The Regulator:* will not usually action a one-off misclassification of an incident by a service provider
* may contact the service provider for further details.
 |

If a service provider continues to provide insufficient information when reporting any notifiable incident or demonstrates ongoing failure to meet other reporting requirements, the Regulator will likely escalate the regulatory action taken. This may include issuing an improvement notice[[1]](#footnote-2).

The Regulator acknowledges the challenges involved in providing safe and high-quality social services, and highlights the important role of the new regulatory scheme in the social services sector’s ability to achieve its aims and help people through safe and high-quality services.

|  |
| --- |
| To receive this document in another format, email the Social Services Regulator <enquiries@ssr.vic.gov.au>.Authorised and published by the Victorian Government, 1 Treasury Place, Melbourne.© State of Victoria, Australia, Social Services Regulator, September 2024.Except where otherwise indicated, the images in this document show models and illustrative settings only, and do not necessarily depict actual services, facilities or recipients of services. This document may contain images of deceased Aboriginal and Torres Strait Islander peoples.In this document, ‘Aboriginal’ refers to both Aboriginal and Torres Strait Islander people. ‘Indigenous’ or ‘Koori/Koorie’ is retained when part of the title of a report, program or quotation.**ISBN** 978-1-76130-673-0 **(pdf/online/MS word)**Available at [Reporting a notifiable incident | vic.gov.au (www.vic.gov.au)](https://www.vic.gov.au/ssr-reporting-notifiable-incident) https://www.vic.gov.au/ssr-reporting-notifiable-incident |

1. See s137 – s141 of the Act. [↑](#footnote-ref-2)