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| Guide to reporting a notifiable incident |
| For incidents that happen during service delivery |
| OFFICIAL |

## Contents

[Introduction 1](#_Toc180055173)

[What is a notifiable incident? 1](#_Toc180055174)

[What incidents must be reported? 2](#_Toc180055175)

[Reporting requirements 2](#_Toc180055176)

[Reporting serious risk and serious harm 2](#_Toc180055177)

[Extra reporting step for critical notifiable incidents 4](#_Toc180055178)

[Further reporting requirements for supported residential services 6](#_Toc180055179)

[**How to report 7**](#_Toc180055180)

## Introduction

Service providers registered with the Social Services Regulator must report notifiable incidents that happen during the delivery of a registered social service.

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

This information does not cover Worker Carer Exclusion Scheme (WCES) notifications. More information on WCES notifications can be found at [The Worker and Carer Exclusion Scheme](https://www.vic.gov.au/worker-and-carer-exclusion-scheme).

This guide is a downloadable version of [this webpage](https://www.vic.gov.au/ssr-reporting-notifiable-incident).

Here are some [further information on terms and definitions](https://www.vic.gov.au/ssr-terms-and-definitions).

## What is a notifiable incident?

There are two types of notifiable incidents:

1. **serious risk** – a serious incident that is **reasonably likely** to cause serious harm to a service user
2. **serious harm** – a serious incident that **has resulted** in serious harm or serious injury to a service user.

## Incidents that must be reported

**All** notifiable incidents must be reported to the [Social Services Regulator](https://www.vic.gov.au/social-services-regulator). The definitions of notifiable incidents are in Table 1.

These requirements come from section 48 of the *Social Services Regulation Act* *2021* (the Act).

Your reporting helps to safeguard social service users.

When you report a notifiable incident to the Regulator, this informs us of serious harm and risks of harm to service users during social service delivery. Reporting also informs the Regulator of what actions have been taken by service providers to address the immediate risks to the health and safety of their service users.

The Regulator makes decisions using an integrated, intelligence-led approach. We identify sector trends and needs by collecting and analysing information, including through notifiable incident reporting.

## Reporting requirements

### Reporting serious risk and serious harm

To report an incident, you must first identify if it is a **serious risk** or a **serious harm** notifiable incident.

**All** serious risk and serious harm notifiable incidents must be reported to the Regulator **within 3 business days**. See Table 1 for descriptions and requirements.

**Table 1: Reporting notifiable incidents**

|  | Type | Description | Reporting timeframe | Reporting requirements |
| --- | --- | --- | --- | --- |
| 1 | **Severe harm or injury** | * Severe physical, emotional or psychological injury or suffering * which is likely to cause ongoing trauma | 3 business days | Clear summary of the incident and actions taken |
| 2 | **Pattern of incidents causing harm** | A pattern of incidents related to one service user which:   * when taken together has a cumulative effect that causes serious harm or creates a risk of serious harm even if each individual incident is not a notifiable incident) | 3 business days | Clear summary of the incident and actions taken |
| 3 | **Emotional/**  **psychological abuse** | * Actions or behaviours that reject, isolate, intimidate, or frighten by threats, or * witnessing of family violence * to the extent that the service user’s behaviour is disturbed or their emotional/psychological wellbeing is (or is at risk of being) seriously impaired. This includes: * rejecting, isolating, terrorising and ignoring behaviours * denying cultural or religious needs and preferences * emotional abuse perpetrated by other clients * staff on service user assault (see the frequently asked questions for more information)   Service providers should consider any potential power imbalance between the service user and the person engaging in the behaviour | 3 business days | Clear summary of the incident and actions taken |
| 4 | **Financial abuse** | The misuse of a service user’s assets, property, possessions and finances without their consent, including:   * denying a service user the use of their own assets, property, possessions and finances * theft, fraud, exploitation and pressure in relation to assets, property, possessions and finances * obtaining assets through deception.   This also includes financial abuse perpetrated by other service users | 3 business days | Clear summary of the incident and actions taken |
| 5 | **Self-harm/attempted suicide** | * Actions that intentionally cause harm or injury to self, or * actions to attempt suicide (the intention to end one’s own life). | 3 business days | Clear summary of the incident and actions taken |
| 6 | **Sexual exploitation** | Sexual exploitation is defined as the abuse of a person under 18 or a person with a cognitive disability, which may include:   * the exchange of sex or sexual acts for money, goods, substance or favours * involving a child in creating pornography * contact with a known sex offender. | 3 business days | Clear summary of the incident and actions taken |
| 7 | **Poor quality of care/neglect** | Inappropriate or inadequate care by caregivers or staff to the extent that the health, wellbeing and development of the service user is significantly impaired or at risk. | 3 business days | Clear summary of the incident and actions taken |

### Extra reporting step for *critical* notifiable incidents

After you have identified the type of notifiable incident you are reporting (serious risk or serious harm), you must determine if you have an extra, urgent reporting step to take for a critical notifiable incident.

Critical notifiable incidents are a small group of notifiable incidents that require an additional and more immediate reporting step because the harm or risk of harm is critical.

For this extra reporting step, providers alert the Regulator that a critical notifiable incident has happened by completing a critical notifiable incident short form (referred to as ‘short form’ in Table 2 below) by close of business the next business day.

If the incident happens on a Friday or on the weekend, you must report it by close of business the following Monday.

**Critical notifiable incidents** are defined in Table 2.

As critical notifiable incidents are also notifiable incidents, providers must still complete a full incident report within 3 business days.

This means that service providers have a 2-step **reporting requirement for critical notifiable incidents**.

Table 2: Reporting critical notifiable incidents

|  | Type | Description | Reporting timeframes | Reporting requirements |
| --- | --- | --- | --- | --- |
| 1 | **Unexpected death** | * Death of a service user during service delivery where the death is unexpected. | **Short form** by close of business next business day  **Full incident report** within 3 business days | Clear summary of the incident and immediate actions taken  Other organisations/stakeholders contacted |
| 2 | **Escape from a secure facility** | Only applies to service users in:   * Secure care * Custodial care * Disability services where the relevant service user is subject to compulsory treatment or judicial orders.   Scope includes where a service user fails to return from temporary leave | **Short form** by close of business next business day  **Full incident report** within 3 business days | Clear summary of the incident and immediate actions taken  Other organisations/stakeholders contacted |
| 3 | **Medication error** | The incident results in the service user requiring medical treatment at a hospital.  Key definitions:   * Medical treatment means medical interventions undertaken to treat the physical impact of the medication error. * Examples of medication errors may include (and are not limited to) when a service user: * is not administered their required medication * is given the wrong medication * is given a double dose of medication * accesses and takes secured medications (or medications are not adequately secured).   Examples of medication errors would *not* typically include incidents of substance abuse where the substance is obtained outside of the facility/care situation. | **Short form** by close of business next business day  **Full incident report** within 3 business days | Clear summary of the incident and immediate actions taken  Other organisations/stakeholders contacted |
| 4 | **Physical abuse** | An incident results in the service user requiring medical treatment at a hospital.  Additional guidance:   * Medical treatment means medical interventions undertaken to treat an injury * This does not include interventions to identify the existence of an injury. | **Short form** by close of business next business day  **Full incident report** within 3 business days | Clear summary of the incident and immediate actions taken  Supports provided to the alleged victim  Other organisations/stakeholders contacted |
| 5 | **Sexual abuse** | An incident required police involvement and the service user required medical treatment at a hospital.  Additional guidance:   * Medical treatment means medical interventions undertaken to treat an injury arising from the sexual abuse and/or a forensic medical examination. * Medical treatment at a hospital includes a forensic examination at an alternative facility. * Police involvement means that the nature of the allegations and presentation of the alleged victim has warranted a notification to the police. This does *not* include any subsequent determination by the police on their pursuit of the matter. | **Short form** by close of business next business day  **Full incident report** within 3 business days | Clear summary of the incident and immediate actions taken  Supports provided to the alleged victim  Other organisations/stakeholders contacted |
| 6 | **Fire, flood or other** **emergency event** | Fire, flood or other emergency event that:   * results in a service user requiring medical treatment at a hospital; and/or * the relocation of service users. | **Short form** by close of business next business day  **Full incident report** within 3 business days | Clear summary of the incident and immediate actions taken  Other organisations / stakeholders contacted |

### Further reporting requirements for supported residential services

Supported residential services (SRS) have further reporting requirements for notifiable incidents. These requirements only apply to providers of supported residential services.

The following notifiable incidents must be reported to a resident’s guardian or person nominated:

* deterioration in health
* injury
* medication error
* death
* behaviour that may pose a serious risk to safety
* relocation of resident
* termination of residential and services agreement.

These incidents must be reported to the resident’s guardian (or person nominated) **within 3 business days**.

These reporting requirements apply **in addition to** the requirements for reporting serious risk, serious harm and critical notifiable incidents.

Supported residential services providers may also need to provide further evidence to the Regulator about responding to medication errors and changes in health and support needs.

### Responding to medication errors

For medication errors, providers of supported residential services must:

* seek medical advice (for example, the treating doctor, local chemist or Nurse-On-Call) about the potential risks and recommended follow up action
* immediately make records after any medication errors, including:
  + the date and time
  + what occurred
  + what was administered
  + the name and signature of the staff member who administered or supervised the administration of the medication.

### Change in health and personal support needs

If a resident’s health and personal support needs change:

* the service provider must ensure that the resident’s ongoing support plan is reviewed and changed as necessary to meet the changed needs of the resident
* ongoing support plans must set out the ongoing health and personal support requirements of the resident. There must also be agreements as to how a service provider can help with the resident’s ongoing health and support needs.

## How to report

### Reporting notifiable incidents

**All** notifiable incidents need to be reported to the Regulator in 3 business days.

Service providers do this by completing a full incident report. There are different ways to complete the incident report.

There is no exception to the requirement to report notifiable incidents to the Regulator in 3 business days.

### Reporting using Client Incident Management System (CIMS)

CIMS is an e-system for incident reporting for providers funded the Department of Families, Fairness and Housing (DFFH). Relevant reports made in CIMS will be sent to DFFH and the Social Services Regulator. This means service providers report once.

If you use CIMS, you can complete the full incident report using CIMS.

**Step 1** Ensure the immediate safety and wellbeing of service users directly and indirectly impacted.

**Step 2** Within 3 business days report using [CIMS](https://providers.dffh.vic.gov.au/cims).

Find further information about reporting at [CIMS guidance and resources – DFFH Service Providers](https://providers.dffh.vic.gov.au/cims-guidance-resources).

#### For all non-CIMS users

Some service providers do not use CIMS. Non-CIMS users include supported residential services,   
providers funded by the Transport Accident Commission (TAC), and providers funded by WorkSafe.

This means you can complete the full incident report using a form on our website.

**Step 1.** Ensure the immediate safety and wellbeing of service users directly and indirectly impacted.

**Step 2.** Report within 3 business days using the [Social Services Regulator incident report form](https://dhhschange.syd1.qualtrics.com/jfe/form/SV_erGLolVeBRFsQdw).

Supported residential services providers should also use this form to make a full incident report.

### Reporting a critical notifiable incident

Determine if the incident meets the definition of a critical notifiable incident (see Table 2).

**Step 1.** Ensure the immediate safety and wellbeing of service users directly and indirectly impacted.

**Step 2.** Report by close of business the next business day using the [Social Services Regulator critical notifiable incident short form](https://dhhschange.syd1.qualtrics.com/jfe/form/SV_6lmYzG7K4DBP8H4).

This short form asks you to provide a brief description of the incident and actions taken.

If the incident occurred on a Friday or the weekend, you must submit the form by close of business the next business day.

**Step 3.** Complete and submit **a full incident report** within 3 business days.

CIMS users submit the full incident report via [CIMS](https://providers.dffh.vic.gov.au/cims).

Non-CIMS users submit the full incident report using the [Social Services Regulator incident report form](https://dhhschange.syd1.qualtrics.com/jfe/form/SV_erGLolVeBRFsQdw).

Health services providers complete the non-CIMS users’ full incident report form. It is not possible to report notifiable incidents through VHIMS.

### What happens after I report a notifiable incident?

#### Response to a full incident report

Shortly after submitting a full incident report, you will receive a confirmation email. This will include a reference number. You may need to check your junk email (or trash) folder.

After receiving the full incident report on a notifiable incident, the Regulator will:

* review the information
* confirm the report is in scope
* assess the risk of the incident and determine a response.

The Regulator takes all reports seriously and is committed to preventing and responding to significant harm or risk of harm to service users. The Regulator may:

* ask you for further information
* 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.

The Regulator records all notifiable incidents for intelligence purposes and identifying trends.

#### Response to critical notifiable incidents

In most cases, if the critical notifiable incident short form is completed correctly, the Regulator will wait to review the full incident report before contacting the service provider. The information provided in the short form helps to inform the Regulator’s decision.

**Table 3: 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 in the incident report.  The Regulator will make 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 * give the service provider more guidance on appropriate reporting. |
| **3.** | The full incident report has been submitted **after** 3 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 3 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 take action for 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).

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