

## **SERIOUS INCIDENT RESPONSE SCHEME (SIRS) POLICY AND PROCEDURES**

### **AUTHORISATION**

**Authorised by:** Chief Executive Officer

**Date Effective:** April 2023

**Review/Consultation:** Leadership Team

**Review Date:** April 2024

**DISTRIBUTION:** Board, Leadership Team and workforce (employees, contactors and volunteers).

**RISK:** High

### **POLICY PURPOSE**

- The purpose of this policy is to establish a framework for responding to reportable serious incidents in home care settings. This policy applies to all employees, contractors, and volunteers providing home care services.

### **POLICY SCOPE**

- This policy applies to all serious incidents requiring a response in home care settings, including incidents that pose an immediate threat to the safety and well-being of clients, staff, or others.
- Clinical Assessor Pty Ltd has an Open Disclosure policy in relation to informing all key stakeholders of incidents for transparent and collegial relationships as well as continuous improvement processes

### **KEY DEFINITIONS**

- **Priority 1:** Incidents that pose an immediate threat to the safety and well-being of clients, staff, or others.
- **Priority 2:** Incidents that do not pose an immediate threat but may result in significant harm if not addressed promptly.
- **Incidents-**Providers have responsibilities to prevent, minimise the risk of, and respond effectively to any incidents of abuse and neglect in connection with the care they provide. Incident management and prevention responsibilities apply to

incidents that occur 'in connection with' the provision of care and services to consumers.

**This includes:**

- any acts, omissions, events or circumstances that occur, are alleged to have occurred, or are suspected of having occurred in connection with the provision of care and services to a consumer, and
- that have, or could reasonably have been expected to have, caused harm to a consumer or another person.

For example, incidents that occur in connection with the provision of care include incidents that:

- **occur while care and services are being provided**, such as a consumer falling while a staff member is helping them into the shower; a consumer tripping over while being taken to an appointment; a staff member burning themselves while making tea for a consumer; a staff member falling over in a consumer's house while delivering care and services; a staff member being bitten by a consumer's dog while delivering care and services (see Links to work health and safety requirements)
- **arise out of the failure to provide care and services**, such as a staff member not arriving to provide scheduled services where this has (or could reasonably have been expected to have) caused harm to the consumer
- **may not have occurred while services were being provided but are connected because the harm (or potential harm) arose from the provision of services**, such as where a grab rail has been installed in the consumer's shower and, due to poor installation, it collapses, and the consumer is injured. 'In connection with' does not include suspected, alleged or witnessed incidents that did not occur in connection with the provision of care.

- **Reportable incidents-** Reportable incidents under the SIRS for home services include:
  - unreasonable use of force
  - unlawful sexual contact or inappropriate sexual conduct
  - psychological or emotional abuse
  - unexpected death
  - stealing from, or financial coercion of, a consumer by a staff member
  - neglect

**REPORTING SERIOUS INCIDENTS:**

- All serious incidents must be reported immediately to the Home Care Manager/CEO.
- Incidents must be reported regardless of the time of day or day of the week. The person reporting the incident must provide as much information as possible,

including the nature of the incident, the location, the people involved, and any actions taken.

- Incidents reported must be documented in the etools care management system progress notes and subsequently an incident report must be attended to on the day as well as logged into the incident management register
- At the time of notification, staff should utilise the SIRS Support Decision Making tool (<https://www.agedcarequality.gov.au/sirs/decision-support-tool/home-services>)

## **NOTIFICATION:**

- The Home Care Manager/ CEO must notify the appropriate authorities, including emergency services, if necessary, and the client's family or emergency contact. The notification must be made within 30 minutes of receiving the report.
- Notifying the Commission of reportable incidents, including requirements for:
  - ensuring staff escalate and report reportable incidents within the organisation
  - notifying the Commission of Priority 1 reportable incidents within 24 hours
  - notifying the Commission of Priority 2 reportable incidents within 30 days
  - including specific information about a reportable incident in the notification
- To report incidents that are deemed reportable, service providers must use the electronic form available on the My Aged Care Service and Support portal. After submitting the form, a confirmation email will be sent with a SIRS notification number, which will be used for any further communication with the Commission. If any additional information is required, the provider must use the Commission approved forms to submit the information. The Department of Health and Aged Care can provide information and support to access and log in to the provider portal. Providers can also access fact sheets and guidance documents, including advice on how to bulk upload P2 notifications, on the My Aged Care and Department's websites.
- There are some circumstances where a reportable incident does not need to be notified to the Commission. For instance, if the Commission has made a determination under section 95D of the Aged Care Quality and Safety Commission Rules 2018. This applies when the incident relates to a consumer diagnosed with dementia who experiences delusions and reports an event that has already been investigated and found to be based on delusions. In this case, providers may contact the Commission for a determination that repeat allegations of the same incident do not need to be notified. However, an initial notification of the reportable incident must be made, and providers must still notify the Commission if there are any changes in the circumstances of the incident.
- The Commission will evaluate requests for determinations on a case-by-case basis, but only after the provider submits evidence that an appropriately qualified health professional has assessed the consumer and confirmed that the repeat allegation about the specific circumstances of the reportable incident is related to a diagnosed cognitive impairment. When making a determination, the Commission will take into account various factors, such as:

- the nature and severity of the allegation,
  - the frequency of the allegation,
  - the clinical evidence submitted to support the claim that the allegation is a result of a delusion (including the role of the health professional and their knowledge of the consumer)
  - the subject of the allegation,
  - the provider's actions to support the consumer and avoid distress,
  - and the involvement of the consumer's representative in the management and resolution of the incident. Providers can request a determination by sending an email to [sirs@agedcarequality.gov.au](mailto:sirs@agedcarequality.gov.au) and providing the necessary information.
- This means that even if a reportable incident does not need to be notified to the Commission, you still have a responsibility to refer to your service's Incident Management System (IMS) to make sure the consumer's safety and wellbeing are taken care of, and the incident is appropriately assessed, managed, and recorded. This is to ensure that any potential risks or issues are identified and addressed to prevent future incidents from occurring.

#### **INVESTIGATION:**

- The Home Care Manager/ CEO will initiate an investigation immediately after receiving the report. The investigation will be conducted in a timely, thorough, and objective manner. The investigator must document all findings, including any corrective actions taken.

#### **REVIEW:**

- The Home Care Manager/ CEO will review the findings of the investigation and determine if any changes to policies, procedures, or training are required. The coordinator will also determine if any disciplinary action is necessary.

#### **FOLLOW UP:**

- The Home Care Manager will follow up with the client and family to ensure that the incident has been fully addressed and that the client's needs have been met.

#### **PROCEDURE**

##### **SIRS Priority 1**

- If a priority 1 incident is reported, the Home Care Manager/ CEO will immediately contact emergency services and the client's family or emergency contact.
- The supervisor or manager will respond to the scene and take appropriate action to ensure the safety and well-being of the client, staff, and others.

- The incident will be investigated as soon as possible, and the investigator will provide a report to the Home Care Manager/ CEO within 24 hours.
- The Home Care Manager/ CEO will review the findings of the investigation and take appropriate action to prevent future incidents.
- A Priority 1 reportable incident is a reportable incident:
  - that caused, or could reasonably have been expected to have caused, a consumer physical or psychological injury or discomfort that requires medical or psychological treatment to resolve
  - where there are reasonable grounds to report the incident to police
  - involving unlawful sexual contact or inappropriate sexual conduct inflicted on a consumer that is an unexpected death of a consumer, or
  - where a consumer goes missing during provision of home service
  - Could reasonably have been expected to have caused harm For priority 1 reportable incidents, the phrase ‘could reasonably have been expected to have caused harm’ includes circumstances where an incident (including a suspected or alleged incident) involves conduct that would ordinarily cause physical or psychological injury or discomfort that requires medical or psychological treatment to resolve, even though the conduct may not have had such an effect in the circumstances of that specific incident.
- The process of determining whether harm may be reasonably expected requires consideration of various factors, including the physical and psychological conditions, limitations, vulnerabilities, and past experiences of the individual consumers. For instance, consumers with cognitive impairment may be more vulnerable and thus more likely to be harmed by an incident, whereas those who are more independent may not be as likely to be harmed by the same incident (such as being left alone in a potentially hazardous environment). When assessing whether an incident could have reasonably caused discomfort, physical or psychological injury, it is crucial to keep in mind the general vulnerability of aged care consumers. It is also important to note that some consumers may not be able to express or exhibit pain, discomfort, or injury in the same way as other consumers, and this should be recorded in their care plans, as per section 15NE(2) of the Quality of Care Principles.

### **SIRS Priority 2**

- If a priority 2 incident is reported, the Home Care Manager/ CEO will respond to the scene as soon as possible.
- The Home Care Manager/ CEO will take appropriate action to address the incident and ensure the safety and well-being of the client, staff, and others.
- The incident will be investigated within 72 hours, and the investigator will provide a report to the Home Care Manager/ CEO within 7 days.

- The Home Care Manager/ CEO will review the findings of the investigation and take appropriate action to prevent future incidents.
- A Priority 2 reportable incident includes any reportable incident that does not meet the Priority 1 criteria as outlined above. Examples of a Priority 2 reportable incident may include
  - where the consumer is momentarily shaken or upset because of the incident or
  - where the consumer experiences temporary redness or marks that do not bruise (or could not reasonably have been expected to cause an injury), and which do not (or could not reasonably have been expected to) require medical or psychological treatment to resolve. In these cases, the reportable incident will be a Priority 2.
- All Priority 2 reportable incidents must be notified to the Commission within 30 calendar days of you becoming aware of the reportable incident.

## **REPORTING TO POLICE**

Police are the appropriate authorities to investigate and identify whether an incident involves criminal conduct. If there are reasonable grounds to report an incident to the police, you are required to do so within **24 hours** of becoming aware of the incident. If you later become aware of reasonable grounds to report the incident to police, you must do so within **24 hours** of becoming aware of those grounds. Reporting to police in relation to potential criminal conduct should occur whether the incident is known, alleged or suspected to have taken place. If you are in any doubt about whether an incident is of a criminal nature, make a report to the police. It is recognised that in some cases, consumers, their family members or carers may not want a matter to be reported to the police. For instance, this may occur if the consumer is experiencing coercive control by their partner, or due to mistrust of the Government authorities (for example if the family was affected by the Stolen Generation).

## **REASONABLE GROUNDS TO REPORT TO POLICE**

Reasonable grounds to report to police' may include scenarios where a provider is aware of facts or circumstances (alleged or known) that lead to a belief that an incident is likely to be of a criminal nature (i.e. the incident would be considered a criminal offence under Commonwealth, State or Territory laws) and should therefore be reported to police.

Again, consider how you might feel if the incident happened to you or a loved one and whether a reasonable person would expect police to be informed in the circumstances. In practice, if you become aware of an incident and you consider that incident is potentially or likely to be criminal in nature, then the incident should be reported to the police. If you are in any doubt about whether an incident is of a criminal nature, make a report to the police

## Education and Training

- SIRS for home services webinars recordings:
  - Introduction to the SIRS: Incident management systems – 26 September 2022
  - SIRS reportable incidents – 3 November 2022
  - Reporting under the SIRS – 16 November 2022
- ALIS training modules

## RECORD KEEPING REQUIREMENTS

### Information keeping

- Information to be recorded As part of your responsibility to maintain an IMS, you are required to keep a record in relation to each incident that occurs, regardless of whether it is a reportable incident (see documentation and record keeping).
- Your IMS must also allow the collection of data that enables you to provide information to the Commission and other authorities as appropriate. Incident records must be made available to the Commission on request to enable the Commission to fulfil its assessment, monitoring, compliance and complaints handling functions.
- Incident records must be kept for seven years after the incident was identified.

### Privacy and Confidentiality

- Privacy and confidentiality You are legally required, as part of your online notification of a reportable incident, to confirm that you have provided a notice of collection (where appropriate)
- to any persons affected by the incident for whom you have recorded personal or sensitive information (whether in the notification to the Commission or in records regarding the reportable incident)

## Contacting the Commission- SIRS

- Call the Commission for free on 1800 081 549 between 9:00 am and 5:00 pm (AEST) Monday to Friday, or between 8:30 am to 5:00 pm (AEST) Saturday and Sunday
- email the Commission at [sirs@agedcarequality.gov.au](mailto:sirs@agedcarequality.gov.au).

For all enquiries, providers, consumers and the general public can:

- call the Commission for free on 1800 951 822

- email the Commission at [info@agedcarequality.gov.au](mailto:info@agedcarequality.gov.au)
- write to the Aged Care Quality and Safety Commission, GPO Box 9819 in their capital city

## CONCLUSION

It is the responsibility of all employees, contractors, and volunteers providing home care services to understand and follow this policy and procedure. By working together, we can ensure the safety and well-being of our clients, staff, and others.

## REFERENCES:

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