



National Injury Insurance  
Scheme, Queensland



Provider guidelines

# Reporting serious incidents

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## Definitions

Defined terms are shown throughout in bold underlined text when they first appear.

<b>Accepted injury</b>	means a participant's eligible injury, or another personal injury which the NIISSQ Agency has decided should be supported under the National Injury Insurance Scheme, Queensland.
<b>Approved service</b>	means treatment, care and support stated in a participant's MyPlan to be a necessary and reasonable treatment, care and support need as a result of a participant's accepted injury.
<b>Attendant care and support services</b>	means services to help a participant with everyday tasks that are a personal assistance service or service to assist the participant in the community.
<b>Human rights</b>	include (but are not limited to) the human rights protected in the Human Rights Act 2019 as well as other human rights to: <ul style="list-style-type: none"> <li>• liberty and freedom of movement</li> <li>• be treated with dignity</li> <li>• live their lives free from abuse, neglect, or exploitation.</li> </ul>
<b>Incident</b>	is an act, omission, event or near miss occurrence that has put at risk the safety and health of a participant, or any other person, in connection with the delivery of NIISSQ funded services and includes serious incidents.
<b>Incident management system</b>	is a system to identify and manage near miss occurrences, acts, events and omissions that have put at risk the safety and health of a participant or any other person, for incidents (including serious incidents) which is: <ul style="list-style-type: none"> <li>• appropriate for the size and classes of supports provided by the provider</li> <li>• documented in accessible form including having recorded procedures</li> <li>• accessible, including to all workers employed or engaged by the provider and to participants receiving support from the provider.</li> </ul>
<b>MyPlan</b>	means a support plan prepared by the National Injury Insurance Agency, Queensland and approved under section 26 of the <i>National Injury Insurance Scheme (Queensland) Act 2016</i> .
<b>MyPlanning</b>	is the process of assessing necessary and reasonable treatment, care and support needs under section 25-27 of the <i>National Injury Insurance Scheme (Queensland) Act 2016</i> .
<b>Restrictive practices</b>	is any practice or action that has the effect of restricting the rights (including human rights) or freedom of movement of a person with disability, with the primary purpose of protecting the person or others from harm or which has a therapeutic purpose.
<b>Serious incident</b>	is a significant adverse act or event involving a NIISSQ participant, that occurred or is alleged to have occurred in connection with the provision of treatment, care and support services by a service provider.



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**Serious injury or illness**

is an injury or unexpected illness resulting in any of the following:

- attendance from emergency services (including ambulance services)
- presentation in an emergency department and/or admission to a hospital.

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**Service provider**

includes service providers that are registered in the register of providers, and service providers not registered in the register of providers.

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## Reporting serious incidents

As a condition on all **approved services** funded under the NISQ, the NISQ Agency requires **service providers** to notify the NISQ Agency and other relevant bodies of any occurrence of a **serious incident**.

Reporting serious incidents assists the NISQ Agency in performing its functions under the *National Injury Insurance Scheme (Queensland) Act 2016*.

This guideline outlines the circumstances where a service provider is required to notify the NISQ Agency of a serious incident. It also provides information about how the NISQ Agency responds to a serious incident through:

- referrals to external entities for the purposes of investigation of a serious incident
- developing a **MyPlan** or initiating a **MyPlanning** review to ensure that a participant's treatment, care and support needs are accurately assessed, and any necessary and reasonable treatment, care and support is included in a participant's MyPlan.
- any other action which the NISQ Agency considers appropriate in the context of its functions under the *National Injury Insurance Scheme (Queensland) Act 2016*.

### Existing obligations are not impacted by the guideline

Any existing obligations on a service provider under state, territory or commonwealth law, or other requirement or accepted best practice to notify serious incidents (in addition to any other incidents) to a relevant body or authority are not affected by these guidelines, and service providers are expected to comply with these existing obligations.

A provider's existing obligations include (but are not limited to) any reporting obligations, or response obligations required by or under any of the following:

- NDIS Quality and Safeguards Commission
- Child Safety Services
- an entity under the [Health Practitioner Regulation National Law](#)
- Health Ombudsman
- Department of Child Safety, Seniors and Disability Services policies including *Preventing and Responding to the Abuse, Neglect and Exploitation of People with Disability*
- a state or territory coroner.

The Department of Child Safety, Seniors and Disability Services (Queensland) has published information of the key response agencies in dealing with abuse, neglect and exploitation, including resources for service providers to support referrals to the [National Disability Abuse and Neglect Hotline](#).



## Providers to contact emergency services in case of an emergency

In the case of an emergency, service providers should contact the correct emergency service.

## Categories of serious incidents

The NISQ Agency considers a serious incident (in the NISQ) to be a significant adverse act or event (or allegation) which includes any of the following:

- the death of a participant (the death of a participant is a serious incident irrespective of whether the death occurred in connection with a service provided by a service provider)
- **serious injury or illness** of a participant
- violence towards, or abuse or neglect of a participant
- unlawful sexual or physical contact with, or assault of, a participant
- sexual misconduct committed against, or in the presence of, a participant, including grooming of the participant for sexual activity
- the use of a restrictive practice in relation to a participant, other than where the use is in accordance with an authorisation (however described) of a State or Territory in relation to the participant (see: [Positive behaviour support guideline](#)).

## Providers to notify of serious incidents ‘in connection with’ service delivery

Serious incidents involving participants may occur in any setting. The NISQ Agency requires service providers to notify serious incidents that have occurred or are alleged to have occurred in connection with any approved service provided by a service provider. This includes serious incidents which have, or are alleged to have:

- occurred during the course of approved services being provided to the participant
- arose out of approved services being provided to the participant or due to the services being altered
- arose because approved services were withdrawn or not provided.

## Incident management systems

As a part of the registration process for **attendant care and support services** providers, the NISQ Agency considers whether these providers of attendant care and support services are accredited by another body which requires the provider to have an internal **incident management system**.

Incident management systems should include both serious incidents, and other incidents.

Whether a provider has an incident management system is relevant to the assessment of whether a provider is appropriately qualified to provide particular treatment, care or support to a participant in accordance with the *National Injury Insurance Scheme (Queensland) Regulation 2016*.



## Referral for investigation/disciplinary action or criminal investigation

The NISQ Agency has the power to report a serious incident (including the use of **restrictive practices** on a particular participant without authorisation), to a number of entities, including:

- the Treasurer
- the Motor Accident Insurance Commission
- any other entity engaged in work related to the administration of the Scheme or the monitoring and review of the operation of the Scheme
- the Queensland Police (or relevant state or territory police service), to report a crime committed
- the Health Ombudsman
- the Department of Child Safety, Seniors and Disability Services, or equivalent department, agency or entity for other states and territories.

The NISQ Agency may also be required to report the use of restrictive practices where a breach of the participant's human rights has or is likely to have occurred. Such rights include the right to privacy and reputation and the right to liberty and security of the person where the participant may have been subjected to seclusion, containment, or detention.

## Deregistration of a registered provider

In some circumstances where a serious incident has occurred, and the NISQ Agency is satisfied that serious incident was caused by or related to a failure in service delivery, the NISQ Agency may do one or more of the following:

- initiate a reassessment of the participant's treatment, care and support needs through the MyPlanning process
- report a provider for investigation/disciplinary action or criminal investigation (see: [Referral for investigation/disciplinary action or criminal investigation](#))
- remove the provider from the register of providers.



## Responding to serious incidents

To respond and report a serious incident service providers should take the following steps.

### Step 1: respond to the immediate needs of the participant

- Ensure the participant's immediate health and safety needs are met, including any psychosocial and/or physical needs.
- Assist the participant to obtain medical assistance when required.

### Step 2: contact emergency services when required

- Contact emergency services on 000 (see: [Providers to contact emergency services in case of an emergency](#))

### Step 3: notify the participant's family/guardian

- Notify the participant's family or guardian as soon as possible to explain the incident or allegation and the action being taken to remedy it.

### Step 4: complete and submit a report

- The serious incident report must be completed and submitted to the NIISQ Agency within 24 hours of the provider becoming aware of a serious incident.

### Step 5: serious incident report is added to the provider's incident management system

- Consistent with effective incident management (see: [Incident management systems](#)) the provider should ensure that the serious incident is included in their incident management system.



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